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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

You are awesome, O God. We acknowledge Your sovereignty and might. Give our Senators a sense of Your nearness, as You nourish them with the reality of Your presence. Take their human and finite minds and illuminate them with the light of Your eternal wisdom. May their daily lives validate the faith of our Nation's Founders and all who have sacrificed for freedom. Teach them to think seriously about the blessings of liberty and help them to be grateful for this land of freedom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the Federal Aviation Administration bill. There will be up to 2 hours for debate equally divided and controlled between the proponents and opponents of the Inhofe amendment prior to a vote on the motion to invoke cloture on the Inhofe amendment, as modified. The filing deadline for second-degree amendments to this bill is 10 a.m. today. As a reminder, cloture was also filed on the bill. That cloture vote will occur upon disposition of the Inhofe amendment or, if cloture is not invoked on the Inhofe amendment, immediately following the Inhofe cloture vote. Senators should expect rollcall votes to occur throughout the day in an effort to complete action on the FAA bill.

I ask unanimous consent that the previous order for Senator COATS to be recognized at 1:30 p.m. be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAA AUTHORIZATION

Mr. REID. Mr. President, we are at a point where we can finish the FAA bill after all these many years. That was not a mistake. For years, we have been trying to get this bill completed. We are going to have a vote in 2½ hours, an important vote dealing with the so-called slot arrangement; that is, what air companies get to fly into which airports and what time and all that stuff. It has been very controversial.

We have had two main issues that have held up this legislation. One is a labor-management disagreement. That has gone away. Now we have the issue dealing with slots that will go away as a result of the cloture vote that will occur sometime in the next 2½ hours.

We can complete this legislation today. There is no reason we can't complete the legislation today. We have a number of votes that will have to be cast. That is something we will do. We are going to work to complete this legislation. Today is Thursday. It would be an appropriate time to finish.

As I mentioned last night, we have the Presidents Day recess when we need to go home to constituents. As I mentioned last night, I am always amazed—a lot of times, the press writes that we have gone back for a break, and ofttimes they write as if we are going to go back and leisurely hang around the house. The fact is, when we go home, we have a lot of work to do. Our constituents throughout the State are there during the week. We have government buildings that are open, and we can go visit there and do all the many things we have to do. For example, I have to address the Nevada State Legislature next week. These are the kinds of things we need to do during the time we go home.

I, like everyone else, would like to get back to my home in Searchlight more quickly, but we have to finish this legislation. There is no reason we can't. Everyone has had their opportunity to debate, to offer amendments. We could have as many as eight or nine amendments to vote on. There is work being done with Senator COBURN now to see if we can somehow condense his five amendments to a couple. The managers will work that out. We are on a path to being able to finish this legislation. I hope we can finish today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

NET NEUTRALITY

Mr. MCCONNELL. Mr. President, yesterday, Republicans in both the House and Senate, led by Senator HUTCHISON, introduced a resolution of disapproval under the Congressional Review Act to repeal the so-called net neutrality regulations recently adopted by the Federal Communications Commission.

We believe, as most Americans do, that the Internet has transformed our society precisely because people have been free to create and innovate free from government intrusion. As Americans become more aware of what is happening here, I suspect many will be as alarmed as I am at the government's growing involvement in this area of our lives. They will wonder if this is a Trojan horse for further meddling by the government. We intend to use the tools available to us to push back against this meddling, and I want to thank Senator HUTCHISON for taking the first step in our effort.

STIMULUS TWO-YEAR ANNIVERSARY

Mr. MCCONNELL. Mr. President, two years ago today, at a moment of deep economic uncertainty, the President signed a bill that he said would put us back on track. It was a plan, he said, that would ''save or create'' up to 4 million jobs over 2 years—a figure that he called his bottom line for success, a plan that was supposed to drive unemployment below 7 percent by now. And it was predicated on the notion that government spending—spending borrowed money on government programs—was the recipe for a rebound; a plan that said if we ''invest'' in government, we will get out of this mess.

We were told the bill included record investments. And then we learned what the administration means by ''investment:'' a plant database project; a multimillion dollar facelift for the Sunset Strip; a study of the mating decisions of female cactus bugs; hundreds of millions of dollars to a solar panel company that was supposed to double its workforce but ended up cutting jobs instead; massive bailouts to the States; turtle tunnels. Senators get the drift.

Within a year of its passage, the so-called stimulus bill had become a national punchline.

Nearly a trillion dollars was added to the debt as a result of this bill in the name of investing in our future. And in the 2 years since it was signed, we have lost millions of jobs.

And now they want to do it again. They are back for more.

Just as amazing is the fact that the same people who touted this bill now refuse to cut government spending. We learn about another wasteful stimulus project just about every day, and they say they can't find a dime's worth of government spending to cut?

It defies common sense.

I mean, if we can't cut a turtle tunnel when the country is $14 trillion in the hole, we have problems. It is time to turn over the credit card.

The bottom line here is that 2 years after the President told us he was investing in our future, here is what we have to show for it: higher unemployment than they predicted and trillions more in debt.

The fact is, dangerously high debt has actually slowed the recovery, making it harder to create private sector jobs.

So in my view this second debate was over before it started.

Massive government investment of borrowed taxpayer money as a tool for economic growth has been a failure.

TRIBUTE TO PADUCAH

Mr. MCCONNELL. Mr. President, I wish to recognize the people of Paducah, KY, for all of the efforts they have made to make their city one of our country's best places in which to work, visit or live. Now that hard work has paid off. Paducah has been recognized by the National Trust for Historic Preservation as one of their Dozen Distinctive Destinations in America in 2011.

The National Trust for Historic Preservation seeks to recognize cities and towns that offer an authentic cultural and recreational experience. They take into account a community's commitment to the historic preservation and revitalization of its downtown, its rich cultural history, attractive architecture and a town's core character. Obviously, I think Paducah ranks highly in all of these criteria, and I am glad the National Trust for Historic Preservation, after considering thousands of communities across the Nation, agrees.

The history of Paducah is a history of life on the river. Paducah was originally settled because of its strategic position on the Ohio River, and traffic on the Ohio and the Tennessee River drove its economic development. As rivers were America's original highways, Paducah was founded on vital arteries of trade and commerce.

That history is still alive in Paducah because of the hard work of many to preserve their city's heritage. For years I have worked along with local leaders to enhance some of the city's greatest attributes; namely, Paducah's downtown and riverfront. Paducah is now a vibrant river town. I would encourage my colleagues, the next time they are planning a vacation, to keep Paducah in mind.

The National Quilt Museum of the United States, the River Discovery Center, the Lower Town Arts District, the Upper Town Heritage Walking Tour, and much more await them there. I will point out that the National Trust for Historic Preservation also recently named Paducah as having one of the most romantic main streets in America.

The Paducah Sun recently published an article about this high honor received by the city.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From paducahsun.com, Feb. 15, 2011]

CITY NAMED DISTINCTIVE DESTINATION

(By Will Pinkston)

Paducah keeps adding awards to its trophy shelf, as the city was named one of the 2011 Dozen Distinctive Destinations in America by the National Trust for Historic Preservation.

Since 2000, the National Trust for Historic Preservation annually selects communities across America that offer cultural and recreational experiences setting them apart from typical vacation destinations. Consideration for this honor comes with communities exhibiting a commitment to historic preservation and revitalization of their downtown centers, displaying their diverse cultural history and architecture, and showing efforts to implement sustainable ''green'' concepts.

''This is an incredible honor to be named by the national trust,'' said Rosemarie Steele, marketing director for the Paducah Convention and Visitors Bureau. ''There's strong criteria for qualifications and we've met all of them.''

Steele said several factors helped to put Paducah in the running for the trust's honor.

''Paducah's history is really rich in the diversity and the prosperity of being a river town,'' Steele said. ''The spirit of the people who decided to save and preserve downtown, which started years ago, and kept the moment alive, have made us a vibrant river town.''

The trust considered Paducah attractions, such as the National Quilt Museum of the United States, the annual Quilt Show, the River Discovery Center, the Lower Town Arts District and Upper Town Heritage Walking Tour.

''(The National Trust for Historic Preservation) wants to know what the hidden gems are, like all the creative experiences we have,'' Steele said. ''More than 5,000 people learn their craft in Paducah, not just quilting, but the arts, throughout lower town.''

The National Trust for Historic Preservation also considered the city's ''walkability,'' according to Steele, with many of Paducah's historic and cultural attractions centered within only a few blocks of one another.

''Paducah celebrates its past in a wide variety of ways, from protecting and restoring landmark buildings to commissioning artists to create life-sized historic murals,'' said Stephanie Meeks, president of the National Trust for Historic Preservation.

While being included on the Dozen Distinctive Destinations list is an honor in itself,

the National Trust for Historic Preservation asks the public to vote for the 2011 fan favorite on its website. Voters may cast ballots once daily through March 15. The winner will be announced March 16. Last year's fan favorite community was Marquette, Mich.

''We're really excited about the voting and we think we can win this one,'' Steele said. ''We're hoping to get a whole lot of help from the community to help us become the distinctive destination and fan favorite.''

Paducah's appearance on the trust's Dozen Distinctive Destinations list comes on the heels of it being named as having one of the most romantic main streets in America just this past week, Steele said. Towns from across the country submitted five photographs that best illustrated why their main street and downtown districts should be considered among the most romantic in the country; Paducah was included in the top five, alongside towns in Louisiana, Tennessee, Connecticut and Indiana.

''The beautiful thing about all of this is it really puts us in front of so many people through the national trust,'' Steele said. ''These honors will resonate with so many people who are considering on moving here.''

To vote for the Dozen Distinctive Destinations fan favorite, visit www.preservationnation.org/ddd/.

Mr. MCCONNELL. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe modified amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Udall (NM) modified amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) modified amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Hutchison further modified amendment No. 93 (to modified amendment No. 7), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the time be equally divided in the quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the filing deadline for second-degree amendments be extended up until the cloture vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I came to the floor to briefly voice my very strong support for this FAA reauthorization bill and to thank my chairman, JAY ROCKEFELLER, for his leadership.

Many people have said this, but it is worth repeating. This is a jobs bill. The FAA reauthorization act is going to modernize our air transport system. As many have said far more eloquently than I could ever say, we are looking at a system that has its roots in the 1940s and the 1950s, and we need to move beyond this and get a 21st century system. That is what NextGen is going to do—give us a much better way to handle all of those flights, all of that congestion. It is going to be, in addition to a jobs bill—280,000 jobs nationwide—it is also going to be a bill that focuses on safety. The growth that will be spurred on by this bill is crucial, because this industry also accounts for nearly 11 million jobs and more than 5 percent of U.S. GDP.

I want to talk about two issues I have a great stake in for the people of California and, frankly, for the people of this country. The first issue is the passengers' bill of rights. I am so grateful to our leader on the committee, Senator ROCKEFELLER, and his ranking member, KAY BAILEY HUTCHISON, for ensuring that this bipartisan legislation—I wrote it with Senator SNOWE—is included in the FAA bill.

We have all heard the horror stories of travelers trapped for hours without adequate food or water, some not even able to access their medicines; planes filled with screaming kids; upset passengers and unsanitary conditions from overflowing toilets.

In fact, it is a situation that, if anyone has ever been in it, makes an indelible mark, and, frankly, it makes you less likely to want to fly in the American skies because you have a chance at being one of those unfortunate people to get trapped in such a situation.

I thank Kate Hanni, a constituent of mine who was trapped in one of these aircraft for hours on the tarmac and got off the plane and said: I need to do something about this. She is the one who lobbied very hard, a citizen's lobby, to get a passengers' bill of rights.

I am grateful the Department of Transportation, under President Obama, took the first step by adopting key elements of our passengers' bill of rights through regulation last year. Secretary LaHood, who heads the Department of Transportation, sent a strong message and basically said airlines must give passengers the option of deplaning if they have been stranded on the tarmac for more than 3 hours.

According to the Bureau of Transportation Statistics, there have only been 12 tarmac delays of more than 3 hours from May to October of 2010, after the Department of Transportation instituted this rule, compared to 500-plus in the same period a year earlier. So by putting in a regulation that tells the airlines they cannot keep people on planes past 3 hours and, if they do, they have to give them an option to get off, we have turned things around. We have seen 12 tarmac delays compared to 500. We want to codify these consumer protections. We want a law. We don't know what the next President

will do. We don't know what could happen. We need a law that says they cannot keep people on an aircraft for more than 3 hours unless they are about to take off in the next 30 minutes or the pilot says there is a danger in taking passengers back to the gate.

We have very commonsense loopholes. But we don't have any loopholes on this: they have to have adequate water, food, and access to clean restrooms if there is any type of delay.

We also set up a consumer complaint hotline within the DOT which would give passengers the means to communicate directly with the agency about delays. Someone will be on the other end when people are exhausted and upset and need to have redress.

The passengers' bill of rights has broad bipartisan support. It passed the Senate 93 to 0 last March. We believe we now have to see it through.

I understand some of my friends on the other side of the Capitol in the House have said no to the 3-hour time period. We are going to have to fight hard for it because the bottom line is, if we don't have an end time, we could go back to the same delays.

The last issue I wish to bring before the Senate that is important not only to my State but to every State is the issue of having more direct flight options into Washington, DC, Reagan National Airport than we have now for many cities across this great Nation. We have now 38 million people in California. We have an economy that is about the seventh largest in the world. We have one direct flight from Los Angeles into Washington National Airport. If one lives in San Francisco, Sacramento, San Diego, San Jose, Fresno, or any other city in our great State, they do not have an option of flying directly into our Nation's Capital. That is not good for business or jobs in California. It is not good for business or jobs in Washington or Virginia.

We need to encourage more domestic tourism. That creates jobs for our communities. Tourism in my State generated $90 billion and supported 881,000 jobs in 2009 alone. It makes a difference flying into the airport right here in DC. We can be in the Capitol in 15–20 minutes, depending on traffic, compared to getting off in Dulles, a great airport but not easy. Once we get off the plane, we have to get into a special train, and we walk and we go up escalators. We go on moving walks. It is quite good for exercise, but it is not good if one is interested in getting somewhere in a reasonable amount of time. Then the drive could be anywhere, on a good night, from 50 minutes to an hour and a half. That makes a difference to travelers, particularly those who are working or have work in this area.

I know there is a compromise on which my chairman and ranking member have been working to open some more slots so we can get more options in our State and other States that are likewise deprived. I will be supporting that compromise. It is crucial.

We need to have a bill that includes increasing service for citizens beyond this kind of artificial perimeter that was set up. We can't afford to wait any longer as opportunity lies in the balance. We are not going to overrun Washington National. Nobody wants to do that. We only want to do what makes sense and allow more freedom for the airlines to pick the routes for which they have a demand.

We have one direct flight into all of California. Boy, one can never get on that either. It just doesn't make any sense. We have multiple flights out of Dulles. There is not a balance there at all.

Again, this is a jobs bill. This is a consumer bill. This is a bill that is going to help commerce. I strongly support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, Senator BOXER—and not everybody knows this—is the author of the passengers' bill of rights. It has been an obsession of hers. It is not about helping airlines; it is about helping human beings. That has been a long process on the committee. It is in the bill. It is a very good part. She is responsible for all of that.

When Senator BOXER talks about more flights to the West, she echoes my deepest thinking. It is hard sometimes for people to understand. We are the East, and we get the feeling that everything happens in the East. But the fact is, the West is growing and the East is not. All of our slots are predicated on the fact that everybody lives in the East. Yes, there are some people out West—well, there are a lot more people out West. Los Angeles is huge beyond belief. That happens to be the home of Senator BOXER. But there are a lot of cities out there which don't get service and should have service. We have tried to address that in this bill.

The slots issue has been a very difficult one in the bill. But we have tried to address that by allowing the Department of Transportation to say: Are they getting enough? Is DC overcrowded or is it not? If it isn't, then they allow more to come on.

I enormously appreciate Senator BOXER in general. She chairs an important committee, but she comes to our hearings and always makes enormous contributions. On this bill of rights she is the author, which puts her right up there with the Founding Fathers.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and friend Senator BOXER to hail the inclusion of the passengers' bill of rights in the reauthorization of the FAA. We have worked together for 5 years to protect passengers, and moving the passengers' bill of rights off the ''to-do'' list and into law will be a victory for the traveling public.

Senator BOXER and I have worked diligently as far back as the spring of 2007 to move this essential safety measure forward. Last year's passage of the FAA reauthorization bill brought us closer to our goal, but the legislation expired as the House and Senate grappled with other issues. Undeterred, Senator BOXER and I continued to stand up for this common sense safety and consumer protection proposal.

Make no mistake, providing airline travelers with access to food, water, restrooms, and medication is not just an issue of comfort—passengers who are pregnant, elderly, or ill require access to clean water and appropriate facilities—and no passenger should be held against their will just steps from an airport facility.

When passengers are able to safely deplane in the event of a delay, they absolutely should be given the choice to do so. This proposal ensures that passengers are given the right to get off a plane after 3 hours of delay on the tarmac. In 3 hours, a passenger could drive from Portland, ME, to Boston, complete an Olympic triathlon, or watch a full length movie. In that time, airlines can certainly ascertain whether or not they will actually be able to get off the ground. In March of last year, American Airlines flight 160 from San Diego to New York sat on the runway in Philadelphia for more than 5 hours, with passengers wondering if they ever would make it to New York.

Passengers already compete for window and aisle seats, and hope for exit rows with a bit more legroom. In fact, a Web site has made a business of providing charts of each air carrier's planes to show which have the best seats. The average airline seat is 17.2 inches wide, and passengers stuck in middle seats are given so little space to move. We have reached the point where we consult the Web to find which seat is least painful. Consumers want assurances that they will not be confined to their seats for any longer than necessary, and this bill helps assure passengers that their time in these tight spaces won't be longer than absolutely necessary to get to their destination.

We have gone from a record high of 268 flights delayed on the tarmac in June of 2009, to zero planes delayed on the tarmac for more than 3 hours in 2 consecutive months in October and November of last year. In the 8 months since the DOT rule was put in place, only 15 flights were delayed for more than 3 hours; in the same 8-month period the year before 586 flights with thousands of passengers aboard were held on the runway for hours on end.

After so many years of hearing horror stories of passengers being held hostage aboard aircraft for 9, 12, and even, what I believe is a record, 16 hours, passengers will be able to point

to Federal law that protects them. I hope the only runway record we set in the near future is the number of consecutive months without a single tarmac delay.

To its credit, the Department of Transportation took our bill, and wrote much of it into regulation, and for that, I commend Secretary LaHood and his predecessors. Flights will no longer be stranded on U.S. runways for hours on end, with passengers on board just hoping for clean water, lights, or appropriate facilities. The Department will also impose a fine of $27,500 per passenger on a stranded flight. Airlines that neglect the welfare of passengers aboard their aircraft won't soon forget the hefty fines they face.

The rules and regulations drafted by the Department of Transportation go a long way towards addressing our concerns. While it would be easy to say the job is done, and passengers are protected, I am pleased the FAA reauthorization will codify the passengers' bill of rights provisions.

It is critical that the Department of Transportation understands that the passengers' bill of rights will extend these passenger protections to international flights using U.S. airports. A passengers' final destination should not dictate his or her rights on the runway. Let us be clear, this passengers' bill of rights applies to every passenger on every commercial plane taking off from or landing in the United States or its territories.

At the end of a flight, there is simply no excuse for trapping people aboard an aircraft for hours on end with airport facilities only yards away. On December 26, 2010, four international flights were held at their U.S. destinations for upwards of 10 hours. While the airport and airlines continue to bicker over who was responsible for the delay, we want to make sure it never happens again. This legislation will ensure that airlines operating international flights will have a strong incentive to find a way to give passengers a way out. It is my hope that in the future all airlines will move heaven and earth to ensure that passengers are not trapped aboard aircraft without access to basic needs.

Airports and airlines have worked hard to improve service and reduce delays. In Portland, one of the major airports in Maine, the number of cancelled flights has dropped from 702 in 2001, to 213 in 2010, and the airport had the greatest percentage of on time departures since 2002. The naysayers who told travelers that these new rules would cause hundreds of cancellations have been proven wrong. Now, if we could only tame our famous New England winter storms, we could reduce that number even more.

This bill also provides recourse to consumers who have complaints or concerns about their air travel experience. When you have an issue with air travel, a consumer complaint hotline at DOT will be available to take your call. While it is our hope that this bill will improve the flying experience for travelers, passengers should have a clear path to addressing concerns with airlines. DOT should serve as a clearinghouse for collecting these concerns so a ''big picture'' view of the entire industry is available.

I am pleased that this legislation puts into Federal law the clear right of passengers to be treated with dignity while traveling. Reasonable treatment aboard aircraft should not just be a rule, it should be a legal right of passengers.

I look forward to working with Senator BOXER on other vital transportation issues that affect our rail lines, ports, and highways, and the entire Nation. With the reauthorization of many of our transportation programs this year, I am confident that improving the movement of passengers and freight will remain a congressional priority.

Ms. COLLINS. Mr. President, I rise today to speak about a Federal program that creates jobs, improves communities, and ensures air travel throughout the United States. The Essential Air Service Program was created in the wake of the airline deregulation of the 1970s to ensure the continuation of commercial airline service for smaller communities.

Four airports in Maine participate in the EAS Program: Augusta, Rockland, Bar Harbor, and Presque Isle. The EAS Program supports these communities and creates direct and indirect jobs.

If the EAS Program were discontinued, travelers would lose choices and the economies of these communities would suffer. For residents of northern Maine, the only way to travel by air would be following a 3- to 4-hour car drive.

The Maine Department of Transportation calculates that 1,351 direct and indirect jobs rely on aviation activities at the four Maine EAS airports. In rural areas such as Rockland and Presque Isle, these jobs make a huge difference. Without EAS, these jobs would likely disappear.

Additionally, without EAS, our rural communities would be less able to attract new businesses and residents. A businessperson may be less likely to locate a new operation in northern Maine if scheduled airline service is more than 3 hours away. It would be simply unfair to pull the rug out from under these rural communities as they try to attract new jobs and businesses.

EAS is a small fraction of the total FAA spending, but it has a large impact on our Nation's rural communities and travelers. I strongly support the Essential Air Service Program and will oppose eliminating this program.

Mr. REID. Mr. President, we have a briefing by the Secretary of State. We have votes scheduled at 10 until noon, about. I ask unanimous consent that vote be extended to 10 after the hour of noon to allow Members to listen to the Secretary of State and still move the bill along.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have talked to the Republican leader. He knows I have asked this consent.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 380

Mr. MCCAIN. Mr. President, in a few minutes, I will ask the Senate to proceed to the consideration of S. 380. S. 380 extends the Andean Trade Preference Act. But first I would like to make a few comments about the importance of this trade preference act.

I am very aware that a lot is going on in the world and there is upheaval in the Middle East and there is a lot going on on both sides of the aisle on spending, and I am very aware of what has dominated the news and the attention of the Congress and the American people. I want to talk for a few minutes about the importance of the Andean Trade Preference Act and the need to reauthorize it.

I remind my colleagues that the Andean Trade Preference Act was first enacted by President George Herbert Walker Bush as a way to boost the licit economies of several Andean nations that were major producers of illegal drugs. Over the past two decades, this program has been supported by Democratic and Republican Presidents, it has been reauthorized by Democratic and Republican Congresses, and it has been widely recognized as a dramatic success—creating jobs for our workers, who can sell cheaper imports to American consumers as a result of these trade preferences, while also supporting the economic development of strategically important countries in our hemisphere.

One of these countries is Colombia. We have been rightly focused on other parts of the world over the past decade, but one of the untold success stories is Colombia's transformation from a failed state to a thriving democracy. It has been one of the world's great stories and one of the greatest bipartisan triumphs of U.S. foreign policy in recent memory.

Through the courage and perseverance of the Colombian people, the government and armed forces of Colombia took their country back from terrorists and drug traffickers and warlords who murdered the innocent indiscriminately and sowed our society with illegal drugs. We were with them every step of the way. It was President Bill Clinton, together with a Republican Congress, who first enacted Plan Colombia, and it was President George W. Bush, initially with a Democratic Congress, who expanded Plan Colombia.

Over the past decade, the U.S. taxpayer has invested more than $8 billion to help Colombia win its war, and it has been some of the best money we have ever spent on a national security program. Remember, the Plan Colombia and the war, where we helped the Colombians take back their country from FARC and the terrorists and drug dealers, were to prevent drugs from coming to the United States of America, where the demand was created.

So I am proud that as an act of generosity and help on the part of the American people, it was in America's national security interest to see Colombia not become a failed state, which it almost was 10 years ago.

The Andean Trade Preference Act has been a critical component of this effort. It has provided Colombia, along with other Andean nations, essential open access to our markets that has catalyzed their success. What is more, the vast majority of the products these countries are exporting to us Americans barely produce at all, such as cut flowers. So it provides a huge benefit for our partners, with little competition or displacement for our workers.

Unfortunately, after the long record of bipartisan support for this successful and vital program, the last Congress did something deeply shortsighted and terrible: Rather than extend the trade preferences, as previous Congresses have done, it made their passage and the passage of other vital free-trade measures conditional on the extension of a whole array of new government spending—spending our country cannot afford.

As a result, the Andean Trade Preference Act expired last weekend and with it the privileged market access that is so vital to key Andean partners, such as Colombia. What is even more terrible, we are failing Colombia at the worst of all possible times, as it is struggling to recover and rebuild from massive flooding. I saw with my own eyes the massive flooding, where hundreds of thousands of people have been displaced. They have been devastated, and the estimated cost to rebuild is several billion dollars.

But it is even worse than that. Not only has this Congress denied Colombians vital trade preferences at a time when their country is literally underwater, it has done so amid the continued failure to ratify the Colombia Free Trade Agreement. This agreement mainly benefits us, leveling the playing field for U.S. workers seeking access to Colombian markets.

But the signal of strategic commitment that it sends to Colombia can't be understated. By failing for 5 straight years now to pass a Colombia Free Trade Agreement, we are sending the opposite signal—that the United States is an unreliable and untrustworthy ally and that we seem to be incapable of rising above our own domestic political differences to consolidate our strategic partnership with one of our best friends in the world. It is sad.

No trade agreement during a time of great need due to a natural disaster, and how have the Congress and the administration responded? By failing to extend critical trade preferences for Colombia and our other Andean friends. We have kicked an ally while they are down and right when they need us most. Colombian officials tell me that without these trade preferences, their cut flower industry, which is one of the pillars of the Colombian economy, could contract by 15 to 20 percent in the coming weeks.

Now is the time to right this wrong. Now is the time to come together and extend the Trade Preference Act—by itself, on its own, and on its merits, just as Congresses before us have done. This legislation will do that. It will extend the privileged market access for our Andean friends until November 30 of next year. After we have invested so much in the success of the Andean region—investments that have earned us enormous goodwill and gratitude—why would we do anything to call our friendship into question? Why would we do anything that harms our allies? We cannot afford not to extend the Andean Trade Preference Act.

Let me also explain something to my colleagues. Before we went out of session last year, we made an agreement—and the Senator from Ohio, whom I see on the floor and who was one of the negotiators—that the trade adjustment assistance would be extended along with the Andean Trade Preference Act. The interesting thing about that extension is that it was not only an extension of the trade adjustment assistance as it was prior to the stimulus being passed, but also after. In other words, the trade adjustment assistance had gone up to some $2.6 billion, an additional $620 million for the remainder of this year. So it is in existence today, with $1 billion being spent on various programs. There is a GAO study that severely questions these multiple employment and training programs that are in existence today. They talk about the $18 billion being spent to administer 47 programs, an increase of 3 programs and roughly $5 billion since their last reporting.

What I am asking my colleagues who are supportive of the TAA is to agree to an extension of the Andean Trade Preference Agreement in return for our extension, our agreement to extend the trade adjustment assistance at the level of pre-stimulus. The stimulus was supposedly advertised as a one-shot deal. So why should we increase trade adjustment assistance in keeping with the enactment of the stimulus package? Now that the stimulus is supposedly over, can't we go back to previous levels of adjustment assistance?

I wish to make the record perfectly clear: This proposal of killing off trade adjustment assistance is in being as we speak today. We are saying we don't want the increase that was put in in 2009 as a result of the stimulus package.

Things are not great in our Western Hemisphere. We have a return of Danny Ortega in Nicaragua, we have Hugo Chavez continuing to consolidate power in Venezuela. We are seeing other nations in the region—and I won't enumerate them—that are becoming more and more dictatorial, totalitarian, and anti-American. So when we don't extend the ATPA, the signal to our friends and our adversaries in the region is very clear: You can't count on the United States of America to keep its solemn agreements negotiated and ratified by Republican and Democratic Presidents and Congresses.

I understand and appreciate and respect the Senator from Ohio, the Senator from Pennsylvania, and the Senator from Montana and their dedication to trade adjustment assistance. I am not seeking to end TAA. We are seeking to leave TAA at its previous level prior to the stimulus package being enacted. I don't understand why that shouldn't be sufficient in this era of huge deficits and debts.

I ask my friend from Ohio and those on the other side of the aisle who oppose a long-term extension—who oppose the Andean Trade Preference Act being extended—that we would agree to the extension of the trade adjustment assistance only at the level where it was before. Isn't that reasonable? Isn't that reasonable? It is $1 billion a year. It is $1 billion a year that is going to be allowed under the TAA.

Again, I understand there are a lot of things going on in the world. There are a lot of things going on domestically. There are a lot of things happening, but shouldn't we pay attention to our friends, our little friends who helped us so much in this war on drugs? If they had become, as they nearly did 10 years ago, a failed state, the consequences to the United States national security would have been profound. We are watching the violence in Mexico and we are alarmed by it, including the death of a DEA agent and the wounding of another one in the last couple of days in Mexico. My friends, that was a Sunday school picnic compared to what was going on in Colombia before we helped them with the Andean Trade Preference Agreement. I urge my colleagues to please consider at least a short-term extension of this ATPA, along with the basic TAA, at least to give these people an opportunity to recover from the devastation they have experienced.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 380. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. BROWN of Ohio. Madam President, reserving the right to object, I know the Presiding Officer, the junior Senator from North Carolina, wants to

be part of the TAA extension. I appreciate that, as do Senator CASEY and Senator MCCAIN and Senator BAUCUS.

My problem is this: I want to work with Senator MCCAIN on this. I want to make this work. I want to extend the Andean trade preferences. He and I worked this agreement out with Senator KYL and Senator CASEY and others at the end of last year, in the last 2 hours of the session. I think that was the time line. Right at the end, we were able to extend all of this, but only for 6 weeks. He wanted longer, I wanted longer, but we couldn't get an agreement.

Senator MCCAIN asked, is it not reasonable to extend the old TAA. The old TAA started 50 years ago. It was a great program. It was bipartisan. It has always been that. But it is not reasonable to do only the old TAA. There have been 150,000 workers who are eligible since the Recovery Act passed for the expanded TAA because they happen to have lost their jobs to countries we didn't have a free trade agreement with. They were not eligible under the old one, but they are eligible under the new one. Or they happen to be service workers. They are eligible under the new one but not under the old one.

It is a situation where because of things we do in this body—we pass a trade agreement, people lose their jobs. We have an obligation—I know people are focused on government spending, as we should be, and on the deficit, as we should be, but this is an action of the House and Senate. We pass tax policy here. We give tax breaks to companies that move overseas. Why don't we pay for this TAA with something like that? We could always do that.

The point is there are so many workers in this country who have lost their jobs because of trade agreements, because of tax law and trade law. They should be eligible for getting some assistance so they can get retrained and go back to work. We all know people in our States—Arizona, Nevada, Oregon, Texas, West Virginia, and Ohio—where that has happened.

The other thing we need to extend is the health care tax credit. We know that literally thousands of workers—I can give you some examples quickly: 400 Americans in Arizona, 1,400 Americans in Georgia—mostly Delta workers—6,800 Americans in Michigan, 9,200 Americans in Ohio, 68,000 Americans scattered around every other State in this country—because of the Recovery Act and the expansion of the health care tax credit, they would be able to continue to get their health care.

So with reluctance—I don't want to do this, because I want to see the Andean trade preferences extended—I am going to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Madam President, all I can say to my friend from Ohio is we have deep sympathy for the plight of the citizens of Ohio who have been very hard hit in this economic disaster that this Nation has undergone in the last couple of years. There has been enormous loss of jobs and income on the part of the citizens of Ohio, and particularly that part of the country. I would also argue that my home State of Arizona has suffered rather dramatically as well.

But does it make sense to dramatically increase any program at this particular time? We are already spending $1 billion a year. That seems to be a significant amount of money.

I would also point out that a lot of these training programs have drawn scrutiny and even criticism from the GAO. This criticism has been kind of telling. It says:

> In fiscal year 2009, nine Federal agencies spent $18 billion to administer 47 programs, an increase of three programs and roughly $5 billion since they reported in 2003.

So I don't think we could see tangible benefits from the trade adjustment assistance. But we are willing, I say to my friend from Ohio, to continue to support a $1 billion program per year for trade adjustment assistance when we are slashing vital programs that people know are far—we are all having to make sacrifices. Can't my friend from Ohio be satisfied with $1 billion for trade adjustment assistance?

Again, I wish to say, we do have problems in our hemisphere. We do have Brazilians striking out on a new and independent course. We have Venezuela, Nicaragua, Ecuador, Bolivia, we have these countries that are looking on us as either an adversary or an enemy, depending on which country we are talking about. So the message we are sending by not at least extending this agreement I think is a terrible one, and I ask my friend from Ohio to reconsider.

I also wish to say this: The President of the United States and the White House should be weighing in on this. The President of the United States has said he wants the Korea Free Trade Agreement and we want the ''Colombian and Panamanian Free Trade Agreement'' as well.

Well, if they want that, should they not want to extend the trade preferences that were negotiated by President Bush and extended under President Clinton? Should we not want that—and Republican and Democratic Congresses alike?

I have taken too much time of this body. Again, I ask my friend from Ohio to reconsider, negotiate, do whatever we can before we continue to send this terrible message to our friends in the hemisphere who have literally laid down their lives in the war against drugs, which we have felt is in vital U.S. national security interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent for 2 minutes to make a motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I have great respect for the senior Senator from Arizona. I wish to find a way—and I will give some specific names of people who have benefited from the expansion of TAA. I brought in a stack of literally 500 letters from Georgia, Michigan, and Ohio—the States hit the hardest—some 300 people in Arizona, and others who have benefited from the expansion of the health care tax revenue and TAA.

I offered to Senator MCCAIN—other than the fact that it costs more money, and I don't dispute that—that if we can work on specific problems they have with individual parts of the expansion and if there is a way of working out any kind of language they don't like, I am happy to do that. I am going to offer a unanimous consent request on TAA and tax credits and on Andean. The reason I objected is I cannot walk off this floor having helped the workers in Ecuador and Colombia but not the workers in Toledo and Cleveland and Phoenix and Charleston, WV. That is why I will make this request—which will help in every case—on the Andean trade preference, TAA, and health care tax credit.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 11, H.R. 359, that a Brown of Ohio substitute amendment, also on behalf of Senators HAGAN and CASEY, which provides an 18-month extension for trade adjustment assistance, and the Andean Trade Preferences Act be agreed to, the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I certainly didn't want to get too much into this debate because the fact is that GAO concluded:

> Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improving employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive or restricted to short-term impacts.

We are talking about an additional $1.6 billion. We can't do that. Why in the world the Senator from Ohio and other Senators from his part of the country were satisfied for years with a TAA of roughly $1 billion and now are not satisfied with that in these times of economic difficulties confounds me. It is a sad day for our friends in Colombia and the Andes who have sacrificed so much on our behalf. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN of Ohio. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 93, AS FURTHER MODIFIED

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the cloture vote with respect to amendment No. 7 be vitiated; further, that amendment No. 93 be further modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified is as follows:

Strike all after the word ''Sec'' and add the following:

___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109. The Secretary may not grant more than 2 slot exemptions under paragraph (1) to an air carrier with respect to the same airport, except in the case of an airport serving a metropolitan area with a population of more than 1 million persons.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(C) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(D) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(E) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

''(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

''(h) SCHEDULING PRIORITY.—In administering this section, the Secretary—

''(1) shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109; and

''(2) shall afford a scheduling priority to slots currently held by limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service .''.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking ''3 operations'' and inserting ''4 operations''; and

(2) by striking ''subsections (a) and (b)'' and inserting ''under this section''.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

Mrs. HUTCHISON. Madam President, we are ready for the vote on the amendment. I ask for a vote on amendment No. 93, as further modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 93, as further modified.

The amendment (No. 93), as further modified, was agreed to.

AMENDMENT NO. 7, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to Inhofe amendment No. 7, as amended.

The amendment (No. 7), as amended, was agreed to.

Mrs. HUTCHISON. Madam President, I wish to ask the Senator from Arizona to engage in a colloquy with myself and Senator ROCKEFELLER and any others who wish to speak within this colloquy regarding an issue that was not able to be resolved because of the time constraints.

I want to say that every stakeholder representing constituents all over America gave greatly to adopt this amendment that will have, in my opinion, a responsible relaxation of the perimeter rule at Washington National Airport.

We can talk about the details certainly as we move forward, but there was one major issue left unresolved that I think deserves a colloquy so we know what we have to do to finish this process in conference before we adopt an FAA bill that is a very important bill for our country.

I ask the Senator from Arizona to state his concerns about the unfinished part of this bill, and then we will open it for discussion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first, I ask unanimous consent that the cloture vote on the underlying bill occur at 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, very briefly, the Senator from Texas is correct. No one who was directly involved in these negotiations is pleased with the outcome. Some will say that must be a pretty good outcome then. One of the things we did in order to enable us to come to agreement is defer a big issue. That issue will have to be resolved in conference. It is the issue of how the additional flights that are being allowed under this legislation will be allocated among the various air carriers.

Ordinarily, an agency will make a decision based upon criteria the Congress lays out in the underlying legislation; otherwise, their decisions can be challenged as arbitrary and capricious. It is up to us to devise what those standards are. We were not able to agree on them. It is one of the things we will have to try to come to an agreement with each other about and then articulate a position with our House colleagues in conference. This pertains both to the original or first-year tranche as well to the second-year tranche.

I hope my colleagues and I can continue to work together in the spirit of cooperation to devise good criteria so the last piece of this legislation can be put into place.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to make a couple of observations. First of all, I apologize to all of our colleagues having to postpone cloture and precloture votes. What has happened is a number of folks have come in at the very last second and asked for changes. That is not usually the way committee business is done. We have been on this for a number of years. But we have to face the reality of that fact. We want to get cloture, and we want the bill to pass.

I say to my friend from Arizona that I will work with him and with—whether it is GAO, DOT, or whomever we decide to work with or both, which we can obviously do and which is in the legislation; the GAO is automatic for any Member—that I will work to try and resolve this problem as best as I can.

There are many problems wandering around, but the basis of the bill, the structure of the bill, the overall bill is actually not just about slots. That is a relatively small part. It has been virtually all of the conversation and the debate.

As Senator HUTCHISON pointed out, a new air traffic control system, airline safety, all kinds of other things, are so predominantly important that we have had to proceed in this way to try to accommodate our colleagues, and that we will continue to try to do.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, let me thank the chair and the ranking member for their leadership on this issue. Along with my colleagues from Maryland, we have the airports that are most affected by these changes, and we have worked in that spirit of compromise. As the Senator from Arizona noted, I don't think anyone is totally satisfied.

I wish to particularly single out the ranking member and the chair for their willingness to acknowledge our work on the issue of the effects of these additional flights. Going up from where the House position was and the airport authority's original position was to make sure—vis-a-vis Dulles—that the economic effects of this and the question involving the potential shared debt service between the two airports be addressed. This was an issue, again, that we were not able to resolve, but I appreciate the chair, the ranking member and their staffs' willingness to continue to work as this bill goes to conference.

It is very important that we get this bill passed and we move forward on NextGen and all the other important parts of the FAA bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, there have been a lot of negotiations on this amendment, but I do think we now have a breakthrough and a way forward to solve the unresolved issues and pass a very good FAA bill.

In general, the amendment does relax the perimeter rule, with exemptions. There will be five new entrant capabilities—''new entrant'' meaning air carriers that do not serve National Airport now at all—and limited incumbents that have fewer flights from National Airport will get five new slots that will be able to go outside of the 1,250-mile perimeter that has been a standard restriction at National Airport. In addition, there will be seven flights that incumbent carriers can exchange from inside the perimeter to outside the perimeter.

Earlier the Senators from outside the perimeter, which is basically west of St. Louis or Denver, have wanted 75 new flights. They came down to 30, then they came down to 21, and now we are at 16. That would be total because the last four would come later, after a study has shown that there would not be disruptions or congestion at National Airport. So I think we have a very limited number of flights that will be coming in to National Airport—a total of 16 but, of those 16, 11 are already flights that go in and out of National. Thanks to the good work of the Senators from Virginia and Maryland, there will be very little increase or disruption in the National Airport area.

In addition, although the western Senators negotiated down significantly from what they originally wanted, the Senators from the northwest also wanted to have the capability for more competition and more consumer access, and I agree with them. I think they did a great job. Senator WYDEN, Senator CANTWELL, Senator MERKLEY, and Senator MURRAY also had great concerns, along with the Senators from Alaska, Senator MURKOWSKI and Senator BEGICH. They had concerns we had to address. And the California Senators most certainly have wanted more access from California, and that is a huge population base that will now have better access to National Airport as well as Dulles.

I think that is the outline of the amendment we have just adopted, and we are going to continue to work in conference. The House bill has five new entrants only, and we have 16. We have conversions; the House does not. So there will be a lot of talk and a lot of input, but my goal is to have more competition, to have strengthened air carriers for our overall U.S. air competition, and to ensure that the people west of the Mississippi River have access to National Airport.

I think we have made a good start, and I commend all of those who have been involved in a very delicate negotiation. I especially thank my chairman, Senator ROCKEFELLER of the Commerce Committee, for helping us to get to this point where we could pass an FAA bill.

As has been mentioned, we are on our 18th short-term extension of FAA, and if we are going to have the next-generation air traffic control system, a modernization of the air traffic control system and the safety requirements, we have to pass the underlying bill. So we have taken a major first step. It is not the end by any means, but it is the beginning of the end.

I now recognize Senator WYDEN, who was very much a part of resurrecting from the dead, I would say is not too strong a term, the amendment that

would have gone by the wayside but for his persistence in ensuring that we could come to terms that would make no one happy but also no one truly unhappy.

Mr. WYDEN. Madam President, I yield to the distinguished chairman of the Commerce Committee, and I ask unanimous consent that I be allowed to speak briefly after the chairman of the Commerce Committee has spoken.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to echo what Senator HUTCHISON has just said. In the process of legislation, if you look at it logically, you do it over a period of years—1 or 2—or a number of months, and people get their amendments in. That has not been the case here. On the other hand, one has to recognize that people feel very strongly, and when Senators feel very strongly, they have that right, and they have the right to try, therefore, to affect the legislation even though it may be at the very last moment. I think everybody is acting in good faith.

I appreciate very much the Senator from Washington, MARIA CANTWELL, because she has given up a lot and she has also been very cooperative. She is going to be the new chair of the aviation subcommittee, which I look forward to and appreciate. I also appreciate the leadership of Senator HUTCHISON and all other Members—the Senator from Virginia whose time I have taken, Senator WYDEN—who have participated in trying to work this out. It is not a beautiful process, but it is one that throughout the Senate has been solid and strong, and it needs to be voted for when that time comes. As I said, slots are not the only issue. The other issues are huge, and they are resolved without any contentiousness at all. So in that spirit of really thanking all who fought for what they have a right to fight for and saying that we have tried to respond as best we could—and if nobody is entirely happy, that probably means it is a good bill, a good approach—I wish to thank everyone.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I appreciate the chance to speak for just a few minutes.

I particularly wish to thank Senator HUTCHISON and Senator ROCKEFELLER and tell colleagues that last night, at 10 o'clock, after hours and hours worth of negotiation, I thought the prospect of working this out was absolutely gone. I thought that once again the Senate would walk away from the idea of trying to come up with a way to have a more competitive market-oriented system in the aviation sector.

Obviously, this is not all that needs to be done, but this issue of slots, I would say to colleagues and the folks who are listening, is not about adding more gambling machines; this is about the right to land a plane. In much of our country, we have crowded airports, and folks are very concerned about that because it really relates to the business climate and it relates to quality of life. And it is not just in my part of the country but lots of other parts.

So this morning we still had three or four outstanding issues. A group of Senators, on a bipartisan basis, got together. We were just a little ways up here in the building, and in good faith we worked through a variety of issues—issues to make sure everybody was treated fairly in terms of scheduling, issues to ensure fairness with respect to the new flights and to something called conversion, which essentially involves taking short distance of flights and turning them into long distance flights. We still have some matters, obviously, that we are going to have to review with respect to studying this issue and ensuring all airlines have equal access to the markets. It is a sensitive subject, particularly to folks here in Virginia and Maryland. So these are areas that are going to take some additional work, but I think, with the new provisions that have been added, particularly to make sure we would have the five new round-trip flights from Reagan National, ensuring these new slots would be intended for long-distance, for out-of-perimeter, we have moved a long way to ensure that the Senate will go into conference on a bipartisan basis in a unified fashion.

Madam President, I would like to take particular note of the extraordinary work done by Senator CANTWELL, my colleague from the Pacific Northwest. When you reach an agreement such as this, which had three or four provisions, in effect, that were still being thrashed through this morning, it only comes together when colleagues say they have to find a way to get to some common ground and they can't simply go into a negotiation and have everything their way. Nobody, in my view, in these discussions moved more from the position they were most interested in than Senator CANTWELL.

Chairman ROCKEFELLER has been right to note that she will be the chair of the subcommittee. I can assure colleagues that no one will do more to protect the consumer, protect competition, and to protect the marketplace that we would like in the aviation sector than Senator CANTWELL. She was instrumental last night and this morning, where we practically could have been fed intravenously and she just stayed put and kept negotiating to get to the point where we had an agreement on these slots.

I referenced, Chairman ROCKEFELLER, when the Senator was off the floor, that we can continue this kind of cooperation as we have this bill pass the Senate and we go to conference. There is a reason we couldn't resolve the slots issue in the past; that is, despite efforts to come together, we just couldn't get Senators to focus on these three or four outstanding issues that were dealt with this morning. I think we have been fair to the big markets under this agreement as well as the smaller markets.

So as the chairman goes into the conference, I think the good will that came about as a result particularly of last night's efforts and this morning's efforts and all the cooperation he and Senator HUTCHISON have shown—he will be able to take an issue that was seen as absolutely impossible to resolve even as of late last night—because I felt when I walked in this morning that we were just going to hang drapes on this question and possibly the whole bill. I think now this bipartisan effort in good will shown by a lot of Senators on both sides of the aisle, led by the chairman and Senator HUTCHISON, is going to pay off. It is a very good start to an issue that isn't going to be resolved today, but some of the principles that have been laid out today are going to make a huge difference.

I wish to close by saying that my colleague from the Pacific Northwest, Senator CANTWELL, who I believe knows as much about aviation as anybody on the planet at this point, did an awful lot to bring people together.

I look forward to working with the chairman as we go to conference, and I thank him for his cooperation. I also look forward to talking about some additional issues that he knows I care a lot about—the drones that are so important to central Oregon—but I acknowledge that he has made it possible for us to make an enormous amount of headway today, and I look forward to working with him and Senator HUTCHISON in the days ahead.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Georgia.

(The remarks of Mr. ISAKSON are printed in today's RECORD under ''Morning Business.'')

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FCC RESOLUTION OF DISAPPROVAL

Mr. ENSIGN. Mr. President, yesterday, along with Senators HUTCHISON and MCCONNELL, I introduced a Resolution of Disapproval that if adopted, will overturn the FCC's attempt to regulate the Internet through its recent Open Internet Order.

In December, the FCC, defying Congress and the Judiciary, announced an order that will give it sweeping new authority to regulate content on, and access to, the Internet. Particularly in today's economy, the Internet and associated applications should be able to

evolve without unnecessary government interference that could stifle innovation. The last thing the government needs to do is once again burden the private sector with additional burdensome regulatory red tape. While the FCC's action is certainly concerning, it should come as no surprise considering this administration's history of usurping the private sector's role in our economy and replacing it with more heavy-handed federal regulation. As we have learned, such regulation only serves to micro-manage private businesses and limits the ability of companies to grow. On the contrary, this order will serve to smother creative new uses for the Internet and to slow the expansion of advanced broadband networks.

As you know, the Internet has become an indispensable part of our economy and an integral part of our society. It is a source of innovation, information, entertainment, commerce, and communication. Largely unfettered by government laws and regulations, the Internet owes much of its success to innovators and entrepreneurs having the freedom to imagine, explore, and create new uses for the Internet. The innovation and ingenuity associated with the creation and development of the Internet in this country is a prime example of what the private sector is capable of if its hands are not tied by Washington bureaucrats. The problem with the FCC's order is that it puts the FCC in the position of being the final arbiter of what broadband service providers can and cannot do with their networks. As the Internet evolves, new network services and management practices may be necessary or desirable. Yet, I fear that companies will now either be barred from innovating or will have to seek the FCC's permission first.

Under the order, Internet providers ''shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management''. The order also states that these providers ''shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service.'' Guess who gets to make the determinations as to what constitutes ''lawful'' or ''reasonable''? Not the consumer. Not Congress. Rather, it is the unelected bureaucrats at the FCC, alone, that will make those determinations. This gives the Federal Government, for the first time, the power to make decisions that will affect what websites consumers can and cannot access and how they may access them.

I continue to believe that the competitive market is the best means to preserve and advance the future of the Internet. That is why I have continued to fight the FCC's attempts at regulating the Internet under the guise of preserving ''openness''. In 2009, I cosponsored an amendment with Senator HUTCHISON that would have prohibited the FCC from using any appropriated funds ''to adopt, implement, or otherwise litigate any network neutrality based rules, protocols, or standards.'' Also, late last year, I authored a letter, signed by 28 of my colleagues, to the FCC urging it not to proceed with this order.

With the sweeping new authority the FCC has given itself, one question that should be asked: Is this order even necessary? How many people in this country have been unable to access the Internet like this order would suggest? Do the American people really want more government oversight when it comes to the Internet? The Internet is that last frontier when it comes to innovation without government interference, do we really want to jeopardize this? Isn't this more like a solution looking for a problem?

Consumers today have more access to more Internet services than ever before. Business has invested tens of billions of dollars in new broadband infrastructure. Internet entrepreneurs continue to offer new services, applications, devices, and content to users of broadband Internet networks. In this type of environment, there is little justification for this type of proposed intrusion into the broadband marketplace It appears, then, that this Order is simply a solution in search of a problem that does not exist. As we have seen time and again in Washington, this is a recipe for producing unintended consequences.

I do believe that government does have a significant role to play in guiding the future of the Internet. There is a role for the government in guiding the future of broadband, but net neutrality misses the mark. The new government restrictions provided for under the FCC's order will only serve to reduce the private sector's investment in our nation's broadband infrastructure. Rather, Congress should work with industry to find ways to encourage broadband investment and to promote competition among Internet providers. Investors are eager. During this economic downturn, tens of billions of dollars have been invested in new broadband infrastructure. In turn, this has enabled Internet entrepreneurs to offer new services, applications, devices, and content to more and more users of broadband Internet networks.

President Obama recently announced his initiative to expand broadband deployment so that 98 percent of Americans have access to wireless Internet service. I support this goal. However, for this goal to be achievable, there needs to substantial private sector investment and participation, which cannot coexist with the FCC's order. In fact, I am confident that if Congress and the courts do not act to reverse this order, it will discourage investment, stifle innovation, and cost this country more jobs.

The FCC's order is anti-free market, anti-competitive, will threaten American innovation and cost American jobs. What possible reason would the private sector agree to invest under this type of heavy-handed regulatory environment provided under this order? I cannot think of one. In fact, this order only creates disincentives for private investment and innovation, which will only put us behind the rest of the world. Consumers today use and have access to more Internet services than ever before. While the FCC order will have little positive impact for consumers, it will certainly reduce the potential for innovation and investment in broadband networks. This will dramatically slow the pace of that innovation and jeopardize billions of dollars of future investment into broadband networks.

The good news is that Congress has the tools to correct this. I encourage my colleagues to support the Hutchison-McConnell-Ensign Resolution of Disapproval. This will allow Congress to repeal the FCC's dangerous order on net neutrality. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVER FLEECE AWARD

Mr. KIRK. Mr. President, we are spending money that we do not have. The administration's budget proposes taxing the American people to the tune of $2.6 trillion, spending $3.7 trillion, and borrowing $1.1 trillion. Under the budget, interest payments on the debt are set to quadruple from $200 billion this year to $900 billion in 10 years.

The great Harvard economic historian, Naill Ferguson, has stated that the decline of a country can be measured when it pays its money lenders more than its Army. We will hit that level in the next few fiscal years.

Now, in response today, I am announcing our first Silver Fleece Award. It is not a Golden Fleece Award because in this time of austerity, we can no longer afford that. We pay homage to Senator William Proxmire of Wisconsin that put forward the Golden Fleece Award in the late 1970s and 1980s.

Working with Senator TOM COBURN of Oklahoma, we feature what is in his ''Wastebook'' on a new site called ''Wastebook on Facebook.'' There, the Silver Fleece Award is being proposed in three parts for a vote by people who wish to participate.

This month we had three nominees for the Silver Fleece Award. The second runner up was a pair of National Science Foundation grants worth $456,000. These grants went to studies on why political candidates make vague statements and how Americans use online dating. The first runner up was for $615,000 in a grant to create a library archive about the Grateful Dead, a well-known rock-and-roll band.

However, neither of these two projects were voted on as the worst of

the current waste we see. Instead, the inaugural winner of the Silver Fleece Award is for a nearly $1 million grant going to fund signs to display poetry in zoos. The organization administering the program, Poets House and Public Libraries, states that the goal of the program is to ''deepen public awareness of environmental issues through poetry.'' I would add, using borrowed taxpayer funds.

Thanks to this nearly $1 million program, a visitor to the Little Rock Zoo in Arkansas can now read the words of author Hans Christian Andersen saying:

Just as living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.

I would argue that future generations would be far more interested in a life without debt, and taxpayers should not pick up the bill for such projects.

I ask unanimous consent to have printed in the RECORD the 2008 Readers' Digest article, the Poets House and Public Libraries statement on the Language of Conservation, and the April 15, 2010, article from the Arkansas Democrat Gazette.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POETS HOUSE AND PUBLIC LIBRARIES

PUBLIC LIBRARIES: THE LANGUAGE OF CONSERVATION

The Language of Conservation is a Poets House program designed to deepen public awareness of environmental issues through poetry. The program features poetry installations in zoos, which are complemented by poetry, nature and conservation resources and programs at public libraries. Working with five zoos and four public libraries in New Orleans, Milwaukee, Little Rock, Jacksonville, and Chicago, Poets-in-Residence collaborated with wildlife biologists and exhibit designers to curate exhibitions in zoos that feature poems celebrating the natural world and the connection between species. The installations debuted in 2010 on the following dates: Little Rock on April 17; Jacksonville on May 14; New Orleans on May 15; Brookfield on May 22; and Milwaukee on June 19.

The Poets-in-Residence are Mark Doty in New Orleans, Joseph Bruchac in Little Rock, Alison Hawthorne Deming in Jacksonville, Pattiann Rogers in Milwaukee, and Project Leader Sandra Alcosser in Brookfield, IL (just outside of Chicago). The Chicago-based American Library Association is collaborating with Poets House to share the outcomes of the project—which is designed to be replicated—with libraries throughout the United States and beyond. The Language of Conservation is made possible with funding from the Institute for Museum and Library Services.

This partnership between poetry and science began as a successful program developed by Poets House and the Wildlife Conservation Society that incorporated poetry into wildlife exhibits at the Central Park Zoo in New York City. Through the Central Park Zoo project, Wildlife Conservation Society researchers discovered that the use of poetry installations made zoo visitors dramatically more aware of the impact humans have on ecosystems.

A story about the Language of Conservation, with a focus on Project Leader Sandra Alcosser, appears in 360, San Diego State University's blog.

[From the Arkansas Democrat-Gazette (Little Rock), Apr. 15, 2010]

POETRY DRIVES HOME MESSAGE AT ZOO: 50 PIECES GOING UP TO GET PATRONS TO THINK ABOUT NATURE, THEIR ROLE IN IT

(By L. Lamor Williams)

Conservation was a foreign concept when notable 19th-century author Hans Christian Andersen wrote: ''Just living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.'' The Little Rock Zoo is hoping such poetry posted around the park will inspire patrons to think of their place in the world alongside nature.

The Little Rock Zoo is one of five around the country chosen to participate in a $1 million federal grant program aimed at promoting conservation through poetry.

''The goal of the installation is to make you think a little bit more about the place of humanity in nature,'' said Susan Altrui, a spokesman for the zoo. ''The impact that we have on our environment and the natural world is something we should all consider.'' The zoo's share of the grant was $31,000, which covers the cost of the signs and their installation around the park. The other zoos are in Chicago, New Orleans, Milwaukee and Jacksonville, Fla.

Little Rock Zoo employees have been working to install excerpts of nature-inspired poems around the park and plan to have all 50 pieces up by Saturday morning.

The banner that displays Andersen's quote hangs in a play area near the exhibits that house small North American animals such as geese and prairie dogs. The yellow words seem to float on a blue sky next to a lone monarch butterfly above a field of sunflowers. Many may be familiar with such Andersen works as The Little Mermaid and The Ugly Duckling.

The program is funded by the Institute of Museum and Library Science—created by the federal Museum and Library Services Act of 1996—in conjunction with the Central Arkansas Library System, the Poets House nonprofit group, the Little Rock Zoo and the Institute for Learning Innovation, Altrui said.

The five zoos were chosen by the Institute for Learning Innovation—a nonprofit group that seeks to support museums, libraries and other learning institutions—and the Poet's House—a national poetry library and literary center—to mimic a program started at New York City's Central Park Zoo last year, she said.

''They saw a lot of success with it. It was done with the same organizations. They saw quite a shift in attitude before and after in how people viewed conservation,'' Altrui said. ''The installation was making them think more. It was making them understand the connection between animals, wildlife and humanity's place in the world and in nature.'' The Institute for Learning Innovation has already randomly surveyed zoo visitors and will conduct another survey sometime after the program is in full swing to measure attitudes toward conservation and whether the project had any impact on Little Rock Zoo visitors, Altrui said.

''The [follow-up] survey will gauge whether or not this has had any effect on attitudes and whether or not someone has learned,'' Altrui said. ''If we're not doing something that encourages learning, then why are we spending the money on it. Having that measurement tool is important when you have a federal grant. We want that measurement tool also to make sure that what we're doing is effective. '' A grand-opening ceremony will serve as a highlight of the zoo's Earth Day celebration, which begins Friday at 9 a.m. and runs through closing time Saturday. The grand opening of the Language of Conservation poetry installation begins at 10 a.m. Saturday at the Civitan Pavilion.

Among the speakers will be Little Rock Mayor Mark Stodola and poet Joseph Bruchac, who wrote some of the poetry featured around the park, Altrui said. A full list of the zoo's Earth Day Party for the Planet events, is available at littlerockzoo.com.

J.J. Muehlhausen, project director, said she has been on pins and needles waiting for the final pieces to be installed. Among them, a large print poem that will greet visitors at the arch over the zoo's entryway.

Her favorite poem has already been installed above the entrance to the park's Cafe Africa. It's a simple piece by W.S. Merwin that reads: ''On the last day of the world I would want to plant a tree.'' ''I think that even when we leave this world there will still be trees on this world,'' she said. ''The first job that God gave us as humans after he created us was to take care of the flora and fauna—the plants and animals—of this world. That was our No. 1 job assignment.''

Mr. KIRK. I would also like to now announce the new nominees for the next March Silver Fleece Award. First, we will have the opportunity to vote to give the Silver Fleece Award for a $150,000 transportation grant to create a ''wildlife crossing'' at Monkton, VT. This is a technical term for a tunnel that will allow salamanders and other animals to cross below a road.

Our second nominee is a $46,000 grant from the National Science Foundation to study why people lie in text messages.

Third, we will nominate funding for a videogame called WolfQuest which was funded by a $508,253 grant from the National Science Foundation to a Minnesota zoo. We invite your votes and your feedback on ''Wastebook on Facebook'' to decide what next month's silver fleece award winner will be.

The sad thing is, the only loser currently is the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, in about 5 minutes, we are going to be, hopefully, voting for cloture on the underlying bill, the basic FAA bill, which has been the product of an awful lot of work. I think, generally speaking, we have tried to bring everybody in. Senators do have rights, and as a bill comes closer to a cloture vote or passage vote, some of those rights are exercised, which then complicates things. On the other hand, it is what the system is, and people ought to have those rights. You cannot ask everybody to sort of sit back and think through a whole bill. Something occurs to them at the last moment, and they need to come down and address that. We have tried to do that.

I think we are pretty close to a slots amendment agreement. Not everybody is happy about it, but everybody has

given up and everybody has gotten from it.

So we will have this vote, and then we will continue work on various aspects of the bill. I hope we can get it done tonight from the Senate side. Then we have to go negotiate with the House, and their bill is quite different.

But what is interesting about the aviation bill, it truly does affect America vastly. I do not know how many times I have said it employs 11 million people. Actually, it employs, directly and indirectly, probably closer to 13 million people, and it affects people's lives in every single way. They are trying to build a high-speed rail system. You cannot build a high-speed interstate system. You can take a chance at it, but it does not work very well.

So travel by aviation is how people get to where they want to go. It is a complicated industry. Costs go up. Sometimes it is because of fuel. Passengers are held on tarmacs. Sometimes it is because there is just congestion or there is a crisis at the airport of some sort. Passengers, when they are on their way from one place to another, do not sort of think about the problems the airline industry or airports are going through. They just think about the fact that they are being inconvenienced, if, in fact, they are being inconvenienced.

But I think it is a very good bill, and it has been worked on a very long time by myself and an extraordinarily wonderful Senator, KAY BAILEY HUTCHISON, whom I call cochair of the Commerce Committee, because she is.

People have operated in good faith. We have had a lot of scrums and huddles about on the Senate floor. But that is the way legislation probably needs to work. It is a very complicated bill, but it is a bill that I think we will get cloture on, and people should actually be very anxious to vote for it when it comes to final passage.

I will give a talk about that. But I just remind people again, we have an air traffic control system which is so antiquated that there are actually very many near misses in the sky because we are using a radar system and planes often come very close to running into each other on the tarmac. It is a very old system. It is a 50-year-old system. This bill will fix that and make it safer for people to travel. More planes can take off and fly.

So I hope we invoke cloture at 2 o'clock, and then we will continue to work on the bill. It is important for America, and it is important to satisfy as many people as we possibly can.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask to move to the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, John D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand, Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 223, the FAA Air Transportation Modernization and Safety Improvement Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—96

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Warner
Crapo	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—2

DeMint Paul

NOT VOTING—2

Kerry Vitter

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on S. 223. If I had attended today's session, I would have voted to invoke cloture.●

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I and Senator MERKLEY and many of the Senators spent a great deal of time working on the question of slots, which, in plain English, is about the right to land a plane. I am very pleased we were able to work out our bipartisan agreement. I outlined why it was so important earlier in the morning.

Given all the attention that discussion received, I want to make sure the Senate did not lose sight of another important aviation issue. Chairman ROCKEFELLER has been very supportive of our efforts to try to expand and improve the unmanned aerial systems—what are known as UAS programs—that are so essential for the future of the aviation sector.

In this part of the aviation sector, we have seen enormous growth in the last few years. A lot of folks know these systems are critical to military operations. They have been of enormous importance in Iraq and Afghanistan. But people may not be as aware that these unmanned aerial systems also have enormous potential in the civilian sector. I am talking now about firefighting, law enforcement, border patrol, search and rescue, environmental monitoring. Law enforcement in rural areas, that is much of my State, but I know other parts of the country are also very concerned about this issue.

As yet, the Federal Aviation Administration has not come up with a good plan for how to integrate these unmanned aerial system vehicles into the airspace.

I am pleased that the bill before us includes requirements for the Federal Aviation Administration to work on a plan for these systems and establish test sites for UAS research.

It is my hope as we go forward—and Chairman ROCKEFELLER has been very supportive of our efforts; we have discussed this many times—that it is going to be possible to expand these sites. Senator MERKLEY, Senator TESTER, Senator BAUCUS, Senator SCHUMER and a number of other colleagues are interested in this issue. This is a chance for the Federal Aviation Administration to finally give these unmanned aerial systems the attention and the priority that is warranted.

There is enormous potential in the civilian sector. We talked about it in the military sector.

I yield now to the chairman of the committee who has been exceptionally

helpful to me, not just on this question of the unmanned aerial systems but for his patience as we worked through the slots issues where we finally got a breakthrough this morning. I am glad to yield to him for any comments he may have.

Mr. ROCKEFELLER. Mr. President, I thank the Senator very much. I thank him. I agree with what the Senator from Oregon is saying. I want to be helpful, and we will continue to be helpful. There are some in positions not to be helpful and are not being helpful. I understand that. Such is life. I will continue to be helpful on this issue, not just on the substance because he has been so important in the resolution of what he mentioned at the very end, the slots. He has been a nonstop peacemaker, sort of the Secretary General of the UN. He really has. I respect that, and I appreciate it.

This is complicated. It is emotional. He has been great. I will continue to work with him on this issue to try and get to our mutual goal.

Mr. WYDEN. Mr. President, I thank the chairman of the full committee. He has been exceptionally gracious. I think Senators understand we would not be here other than the fact that the chairman and Senator HUTCHISON have prosecuted this case relentlessly in a bipartisan way. We knew if we stayed at it on the slots issue we would get it resolved.

I thank him, given all the other things he has on his plate, for his help on the unmanned aerial systems. As my colleague knows, Senator SCHUMER and I have strong views on this issue, and we are fairly passionate characters. The chairman has been very patient. We know we have challenges in terms of working out the exact number of additional sites. We thank him for his thoughtfulness.

This is going to be a good bill. We are going to conference in a good position. It could not have happened without his tenacity and Senator HUTCHISON's.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Oregon. I like what he said.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to add my voice of thanks to all involved in the whole slots issue. I know at the last minute Senator WYDEN was actually shuttling back and forth between one side of the Chamber and the other. I think it turned out well. It could not have happened without the support of the chairman and ranking member.

Coming from the largest State in the Union, we have one flight into Washington, DC. It makes no sense. It is not good for the economy. It is inconvenient. It adds a lot of congestion on the highways. We are very pleased that we are on our way to passing a good bill.

Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

(The remarks of Mrs. BOXER pertaining to the introduction of S. 388 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. BOXER. Mr. President, I thank the Chair, I yield the floor, and unless Senators ROCKEFELLER or HUTCHISON want to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET DEBATE

Mr. HATCH. Mr. President, this week the Senate began a debate about nothing less than the future of this country. Next year we face a $1.65 trillion deficit, the third year in a row where the United States will run a deficit of over a trillion dollars. Even more daunting, we are over $14 trillion in total debt.

According to the non-partisan Congressional Budget Office, or CBO, the debt held by the public is projected to reach $18.3 trillion—or 77 percent of GDP—by the end of 2021. This is a problem that truly threatens the well-being of this Nation.

CBO projects that the cost of simply paying the interest on all of this debt will rise to $792 billion—or 3.3 percent of GDP—in 2021. When you are pushing $1 trillion a year in interest payments alone, you are reaching a day when the national government will not have the resources to accomplish even the limited mission delegated to it by the Constitution This is what ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, meant when he testified today that ''our debt is the greatest threat to national security.''

The President could have led on this issue, when he released his budget earlier this week. But he took a pass instead. Apparently he and his Democratic congressional allies have done some polling that tells them two things.

First, the American people are demanding that Washington tackle our annual deficits and skyrocketing debt.

And second, Democrats can benefit politically by standing aside, letting Republicans propose solutions to this problem, and then demagoguing the daylights out of any effort to restrain spending.

The coming debate is going to be a bruising one. But as we go forward, it is critical that we keep one thing in mind. We cannot get out of this hole by taking more of taxpayers' hard-earned money. Our debt and deficit problems exist because Washington spends too much, not because taxes are too low. It is a terrible idea to propose raising taxes by over $1.6 trillion on net over the next 10 years alone. Yet, that is exactly what the Obama administration's budget, released earlier this week, proposes.

I said it earlier this week, and I will say it again. This budget proves once and for all that our deficits and debt are not caused by our taxes being too low.

The President has proposed a net tax increase of over $1.6 trillion. Yet for next year—and every year—of his 10-year budget, he runs a deficit. At their best, the annual deficits dip to roughly $600 billion. Even after these astronomical tax increases, the President is still unable to balance the budget. And there are not many more easy targets for Democrats to tax.

In 2012, in a foolish attempt at class warfare, Democrats are prepared to let the tax rates expire with far reaching consequences for the small business owners who account for half of all small business flow-through income. Those small business owners would see their marginal rates hiked by 17 percent to 24 percent under this budget. In Obamacare they taxed medical devices, insurance plans, prescription drugs, small businesses, and individual Americans. The result—a surprise only to the most hardened ideologues—is the loss of 800,000 jobs according to the Congressional Budget Office. And yet they still can't balance the budget. So who else do they propose to tax?

The bottom line is that there isn't anyone left to tax, unless the President and his Democratic allies are willing to crush the middle class with additional tax burdens. There is only one way out. We need to restrain spending. As the chairman of the House Budget Committee, Congressman PAUL RYAN, explained, we need to get spending in line with revenue, not the other way around. The analyses of the Congressional Budget Office, or CBO, confirm this.

The CBO is the nonpartisan official scorekeeper for Congress. According to its January 2011 Budget and Economic Outlook, from 1971 to 2010, taxes have averaged 18 percent of gross domestic product, or GDP. So in recent history, we have had an average level of taxation of 18 percent of GDP.

Take a look at this chart that was made using CBO's January 2011 document. CBO explains that if no changes in law are made, taxes will go up to 20.8 percent of GDP by 2021, and will average 19.9 percent from 2012 to 2021. Taxes at 20.8 percent of GDP would represent a tax increase of 16 percent from their recent historical average.

CBO also states that if most of the provisions from the December 2010 tax act were made permanent, then ''annual revenues would average about 18 percent of GDP through 2021—which is equal to their 40-year average.'' So, according to CBO, even if all the Bush-era tax rates were permanently extended, taxes would still be high enough when measured against the level of taxation in recent history.

So, if taxes are high enough already, should we raise them anyway? I will go ahead and answer my own rhetorical question. Of course we shouldn't raise taxes any higher.

On August 14, 2008, Jason Furman and Austan Goolsbee wrote a Wall Street Journal editorial. In that editorial, Furman and Goolsbee stated that Candidate Obama's tax plan would reduce ''revenues to less than 18.2% of GDP—the level of taxes that prevailed under President Reagan.'' Today, Austan Goolsbee is the Chairman of the Obama administration's Council of Economic Advisers and Jason Furman is the Deputy Director of the Obama administration's National Economic Council. The President must have missed their editorial, because his recently released budget ignores the campaign promises of these top officials, and raises taxes well above their historical levels. As one writer has put it, all of the President's campaign promises seem to come with an expiration date.

As this debate over the debt and deficits rages on, pay close attention to the words that Republicans and Democrats use. You will hear Republicans say that we need spending restraint. By contrast, you will hear Democrats say that we need to deal with the deficit.

Let's be clear. Dealing with the deficit is code for raising taxes. Liberal pundit after liberal pundit will pronounce confidently that you can't deal with the deficit solely with spending restraint. Yet they won't say why, and they won't explain how you can deal with the deficit and debt through tax increases. That is because they can't. If they came clean with the American people, they would have to admit that their intention is to raise taxes on everyone and everything.

As I have already shown, taxes are high enough already, and we should not be raising them even higher.

Yet the bottom line is that rather than dealing seriously with out-of-control spending, tax-and-spend Democrats want to raise taxes to pay for more out-of-control spending. And guess what: If we raised taxes to eliminate the deficit, the current levels of spending would just cause a new deficit to arise.

I have a chart here that demonstrates just how futile it is to raise the top tax rate if the goal is to raise more money. When the top tax rate has been raised over the years, taxes as a percentage of GDP still hovered around their historical average of 18 percent. This held true even when the top tax rate was raised to a confiscatory level of over 90 percent.

The conventional wisdom on the other side of the aisle is that we can simply raise more tax revenue by increasing tax rates. However, the history is pretty clear. This strategy simply does not work. Just take another look at this chart if you don't believe me. Instead of raising tax rates, what we need to do is implement a pro-growth tax policy. That starts with not raising taxes.

For 2 years, we were able to fight off tax increases on small businesses proposed by President Obama and congressional Democratic leadership. However, I have another chart here that shows the relationship between the annual growth of Federal revenues and GDP. As you can see from this chart, when GDP increases, Federal revenues increase. Similarly, when GDP decreases, Federal revenues decrease. This should not be a shocking revelation.

When the economy is growing, the government collects more money in tax revenues because there is more taxable income being earned. The key is to have commonsense, pro-growth tax and regulatory policies. And as I mentioned before, a pro-growth agenda starts with refusing to raise taxes. Part of the difference between Republicans and Democrats on whether to increase taxes comes from different ways of looking at the world. Conservative Republicans look at the money earned by the American people and understand that it belongs to the people. As free men and women, America's citizens have a right to the fruit of their own labors. Americans work too hard—they sacrifice too much—for Washington to blithely raise their taxes to pay for an ever expanding Federal Government.

Yet liberal Democrats have a different view. Listening to President Obama and many congressional Democrats, it is clear that they view the money earned by the American people as the Federal Government's money first. It is only by the grace of the Federal bureaucracy that citizens are given an allowance to live on. This is a huge difference. You hear it when liberals talk about the cost of tax cuts. The cost of tax cuts? Cost to whom? When Democrats talk like this, they are effectively saying that anything you earn is the government's to spend. And it is a cost to the government when they decide to let you keep your money. For most Americans, this is an odd way of looking at the world.

Government costs money when it spends trillions of dollars on who-knows-what. The taxpayer does not cost the government money when he keeps what he earns. Yet this liberal worldview was on clear display in the recent debate about whether to extend the 2001 and 2003 tax bills.

President Obama and many congressional Democrats said that we shouldn't be giving tax breaks to certain taxpayers. Since when did keeping your own hard-earned money constitute the government giving you anything? That is not how the American people view it. And it is not how I view it.

President Obama and many congressional Democrats viewed a failure to increase taxes as a giveaway to taxpayers that increased the deficit. Republicans view the job-killing tax increase with nearly 10 percent unemployment as a terrible idea. The way to deal with the deficit is not to raise taxes. The way to deal with the deficit is to live within our means, as families and individuals do across America. The Federal Government should only spend what it takes in.

The President and his allies like to say they inherited these deficits. That is only a half truth. They inherited some debt and deficits. But they have helped create much more. For example, nearly $1 trillion was added to our debt by President Obama's partisan stimulus bill. That bill was loaded with pent-up Democratic agenda items and was sold with the promise that it would keep unemployment below 8 percent. We all know that by the President's own standard the stimulus bill has failed miserably. Unemployment has been at or above 9 percent for the last 21 months. That stimulus debt was not inherited by President Obama, it was created by President Obama, and he is bequeathing it to all of our children and grandchildren.

The numbers do not lie. When Democrats took over Washington, it was like setting Homer Simpson loose at an all-you-can-eat buffet. For too long, the desire of unions and government workers and special interest groups to create new programs and grow the size of government had gone unfulfilled, and when they finally seized the reins of power in 2008, liberal Democrats went hog wild. Our Nation's deficit has gone from $161 billion in 2007, when Democrats took over control of Congress—remember, they had 2 years before President Obama even got elected. The Democrats were in control of Congress. It went from $161 billion in 2007 to $1.65 trillion in 2011.

With respect to the debt, when congressional Democrats took over control of Congress in 2007, the debt was $8.68 trillion. It is now over $14 trillion. So when Democrats are talking about what a bad situation they inherited, let's remember that these folks have been in charge of Congress for the last 4 years. They acted as though the bills on their spending would never come due. And like a college student who maxed out his parent's credit card, Democrats are now looking for someone to bail them out.

Unfortunately, they are looking to the American taxpayers to foot the bill. This cannot happen. The American taxpayer is already overburdened. Citizens are not going to stand for tax hikes when spending restraint is called for. The bottom line is simple. We cannot tax our way out of this problem. I personally will resist any effort to do so.

That is one of the reasons why I am for a balanced budget constitutional amendment. I have found Congress is incapable, fiscally incapable, of getting this mess under control. It is hard to believe we are that incapable, but we are. So we need to put some restraints on Congress, and the best way to do that, in my opinion, is a balanced budget amendment. I think that would be the best way.

There are some who are looking at putting caps on spending, and that sounds good, except for one thing. If you break the caps, you have got to increase taxes. I think we would find ourselves increasing taxes all the time around here, and that is a big mistake as far as I am concerned. So I am very strongly for the balanced budget constitutional amendment. I believe with the mess we are in, good people on both sides of the aisle ought to be interested as well.

The last time I brought up the balanced budget amendment, we had 66 votes for it in the Senate. It passed the House overwhelmingly. If we had had one more vote back in 1997 we would have had a different situation today, because the balanced budget constitutional amendment would have passed, and I believe 38 States would have ratified it in a very quick fashion, certainly within a year or so.

Had that happened, we would not be in the mess we are in today. We are in a terrible mess. One of the reasons is Congress cannot get its fiscal house in order, and the reason it cannot is because of what I have been talking about. I think it is going to take restraints that the balanced budget amendment would bring to force Congress to have to live within its means or at least vote to break the budget.

Most people who spend do not want that provision, because they know when they vote to break the budget, their constituents are going to see that and they may not be here the next election. So as much as I would prefer to not have any artificial approach, I have come to the conclusion that Congress plain cannot handle its own problems. It does not have the fiscal restraint to do it.

A balanced budget amendment would be a constitutional amendment, locked into our beloved Constitution. It would, like all of the States in this country, except Vermont, require us to balance the budget or at least show a reason why not and to vote so that we have to vote on why not.

Germany has a balanced budget amendment. They meet those restraints. Switzerland has a balanced budget amendment. They meet those restraints. If they can do it, why can't we? I think we have got to get real around here and start doing some things that will help save the country, rather than push it right into bankruptcy.

We spend too much. Congress and the President pushed Build America Bonds. Why do you think they did that? The government is going to pay—it has been paying 35 percent on those bonds. Guess who pays that 35 percent. All of the States that have lived with fiscal restraint will be paying for the profligacy of States that do not live with fiscal restraint. That is not the way to go. It is not fair to the States that are careful with their money. We know which States they are. In almost every case, they are States that are dominated by my friends on the other side. The fact is, I am totally opposed to this proposal.

In this budget, the President wants to make these bonds permanent, while bringing down the 35 percent government match to 28 percent. But think about that. That is still 28 percent from American taxpayers, most of whom have lived with fiscal restraint in their respective States, to help States that have not and that probably will not behave responsibly. As long as they can get free money from the government, why not, in their eyes?

Some of these states are in such dire straits that even some of these Governors who have been big raging liberals in the past are starting to say, we have got to do something about it. I want to pay particular praise to them. I hope they will get spending under control, because their lack of fiscal restraint and our lack of fiscal restraint here is hurting our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFRASTRUCTURE INVESTMENT

Mr. DURBIN. Madam President, the budget the President released Monday includes more than $1 trillion in deficit reduction and two-thirds of it comes from spending cuts. That puts the Nation on the path toward fiscal sustainability. But it also reflects the urgency to invest now in programs that will pay off for a long time. Investing in transportation and infrastructure is the best way to ensure economic recovery now and economic growth well into the future.

It has been 2 years since the President signed into law the American Recovery and Restoration Act. The investments made in infrastructure over 2 years have either saved or created over a million jobs all across the Nation. In the first year alone, that Recovery Act led to 350,000 direct on-project jobs. Direct job creation from these projects has resulted in payroll expenditures of over $4 billion.

Using this data, the House Transportation Committee calculates that $717 million in unemployment checks have been avoided as a result of this direct job creation.

In his State of the Union Address, President Obama challenged us to start rebuilding our infrastructure for the 21st century. Our aging network of roads and rails was built from a long time past. Our infrastructure used to be the best. But let's be honest, America has lost its lead. Mongolia has a more advanced air traffic control system than America. South Korea has faster and easier access to the Internet than America. Europe and China have high-speed rail systems far more advanced than America. Dozens of commissions, academics, groups, the smartest people in America, have all come to the same conclusion: Our infrastructure is old and we need to invest in fixing it.

We have to reduce the debt and deficit. I was a member of the Deficit Commission. I understand it as well as anyone. But the American people do not want us to do this at the expense of critical infrastructure that will be needed to grow our economy.

Unfortunately, the House Republicans currently are in a debate on the floor of the House proposing that we cut off our investments in transportation—right in the middle of the year, right before the construction season. House Republicans are debating that this week.

Their plan cuts billions in funding for roads, rail, and mass transit. It is going to cost us over 300,000 private-sector jobs. Let me repeat that: 300,000 private-sector jobs; not government jobs, 300,000 jobs in the private sector. Can we afford that?

Let me give you some examples of what the House Republican budget cuts. They cut money from the Clean Water State Revolving Loan Fund—over $1 billion of it. That provides low-interest and no-interest loans to our local communities to help them build and make safe wastewater and drinking water. Most communities cannot afford to do this on their own without raising property taxes through the roof, and EPA's funding is vital if these projects are going to get done. This cut alone by the House Republicans would result in 454 fewer sewer projects and 214 fewer clean water projects across America. And it would cost us over 33,000 jobs.

There is a program called the TIGER grants. Mayors know all about it because what President Obama said is, we are going to cut out the middleman. We are not going through the State capitals and the State departments of transportation. If a mayor comes to us with a good idea of a transportation project right at the local level, we are going to send that money directly in a TIGER grant.

So what did the House Republicans decide to do? They took $1.1 billion from that program. That, unfortunately, would eliminate all funding for this program this year, cutting off this construction season, $500 million worth of investment in our Nation's infrastructure. Worse, it rescinds $600 million for projects that have already been awarded.

The Department of Transportation announced these projects last year. Now the House Republicans want to cut them off. Communities in 40 States across the country have been planning

for these funds for up to 75 projects, which would be absolutely abolished by the House Republican action.

The House proposal will literally take away funding promised for these projects, stopping work. Cutting $1.1 billion from TIGER programs will put more than 30,000 private-sector workers out of work in America.

Then they want to cut $7.1 billion from High Speed and Intercity Passenger Rail Grants. I know all about that because, Madam President, as you know, that route from Saint Louis to Chicago on Amtrak is one of the prime areas for high-speed rail in America. The Republican proposal would completely eliminate it, stop it cold.

Worse, they would rescind more than $6 billion for projects already awarded funding. They take away funding from 54 projects in 23 States across the country. The U.S. Department of Transportation tells us that cutting $7.1 billion from high-speed rail will put more than 200,000 private-sector jobs at risk.

At a time when we should be creating jobs and building the economy and building the infrastructure for even more jobs to follow, the House Republicans have decided to start cutting jobs in America.

As the Speaker said when asked about whether he was concerned about the loss of jobs from the House Republican cuts, he said: So be it.

I am sorry, but the Speaker has missed the obvious message from the American people. They want us to create jobs, preserve jobs, right here in America. Killing jobs in the U.S. House of Representatives was not the mission that anyone was sent on in the last election.

Compare that cutting with the President's budget. The President understands we have to invest in infrastructure. The unemployment rate in the construction industry—a private-sector industry—is over 20 percent. Construction costs at this moment are low, and local governments are moving forward where they can on projects because they are saving money—at the same time the House Republicans want to stop construction in America on these important projects. We need to make these investments in infrastructure.

The President's budget calls for a 6-year, $556 billion reauthorization of national transportation programs, He frontloads this 6-year bill with a $50 billion infusion of investments in fiscal year 2012. This will help us get the biggest bang for the buck. He creates an Infrastructure Bank. Madam President, $5 billion is set aside to provide credit assistance and loans to attract private investment into public infrastructure.

The President is investing $8.3 billion in high-speed rail. He wants to bring that high-speed rail to 80 percent of the American population within 25 years. This is the first step in a long-term infrastructure investment by our country, while the President still freezes spending, reduces the deficit, and brings our domestic discretionary spending to a lower level than it was under President Eisenhower in the 1950s.

We can invest in infrastructure in a way that is fiscally responsible and will lead to stronger economic growth long into the future.

The House is proposing slashing investments in transportation and infrastructure. That will cost us jobs, and it will stop us from the economic recovery we desperately need. We need to enact a balanced plan: cut spending, reduce the deficit, but remember that education, innovation, and infrastructure are critical if America is going to continue to be competitive in the 21st century.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 386 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate resume consideration of the McCain amendment No. 4 and proceed to a vote in relation to that amendment; that upon disposition of the McCain amendment, the Senate resume consideration of the Paul amendment No. 18 and there be 4 minutes equally divided prior to a vote in relation to that amendment; that no amendments be in order to the amendments prior to the votes; and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4

The McCain amendment No. 4 is the pending question.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

Mr. ROCKEFELLER. I move to table.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—61

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Pryor
Begich	Harkin	Reed
Bennet	Hoeven	Reid
Bingaman	Hutchison	Roberts
Blumenthal	Inouye	Rockefeller
Blunt	Johanns	Sanders
Boozman	Johnson (SD)	Schumer
Boxer	Klobuchar	Snowe
Brown (MA)	Landrieu	Stabenow
Brown (OH)	Leahy	Tester
Cantwell	Levin	Udall (CO)
Cardin	Lieberman	Udall (NM)
Carper	Manchin	Warner
Casey	McCaskill	Webb
Cochran	McConnell	Whitehouse
Collins	Merkley	Wicker
Conrad	Mikulski	Wyden
Coons	Moran	
Durbin	Murkowski	

NAYS—38

Ayotte	Grassley	Menendez
Barrasso	Hagan	Nelson (FL)
Burr	Hatch	Paul
Chambliss	Inhofe	Portman
Coats	Isakson	Risch
Coburn	Johnson (WI)	Rubio
Corker	Kirk	Sessions
Cornyn	Kohl	Shaheen
Crapo	Kyl	Shelby
DeMint	Lautenberg	Thune
Ensign	Lee	Toomey
Enzi	Lugar	Vitter
Graham	McCain	

NOT VOTING—1

Kerry

The motion was agree to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 18

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 18 offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Madam President, this amendment will keep OSHA out of the cockpit. This amendment is not about safety. OSHA wants to get into the cockpit to add regulatory burden. But already the airlines voluntarily adhere to OSHA regulations.

Before you vote to bring OSHA into the cockpit, you need to know and remember that 20 airlines have gone bankrupt in the last 10 years. Do we want to add more regulatory burden? Do we want to add more regulatory cost? The opposite side, the President included, has said they want less regulatory burden. Here is their chance. They have a small chance here. Keep OSHA out of the cockpit.

OSHA has 2,000 pages of rules. OSHA regulations cost the economy $50 billion. Ronald Reagan was talking about OSHA way back in 1976 when he commented on OSHA's 144 regulations with regard to climbing a ladder. I repeat: 144 regulations about how to climb a ladder. No. 1 among those regulations: Remember to face the ladder when you are going to climb it.

He also mentioned the hazards of being on a farm. From the OSHA manual on hazards on being on a farm: When you walk around, look around carefully and make sure you look down because there could be a slippery substance. You could step in it and fall. That is from the 31-page OSHA manual.

OSHA isn't all about safety. It is about regulatory burden—undue regulatory burden—on businesses, and I hope you will reject this. There is a slippery substance around here that we need to avoid, and that is more government regulations. I recommend that we vote not to allow OSHA into the cockpit.

The PRESIDING OFFICER (Mr. COONS). The Senator from Iowa.

Mr. HARKIN. Mr. President, this has nothing to do with OSHA and the cockpit at all. Frankly, the Bureau of Labor Statistics said the people who work in the airline industry, people who handle the airplanes, flight attendants, have one of the highest rates of accidents and illnesses in any part of the private sector. What happened is Congress urged the FAA to consult with OSHA about workplace safety. They entered into a memorandum of understanding. All this bill says is that FAA should consult with OSHA, work together to increase workplace safety in the airline industry. OSHA will have no regulatory power, they will have no subpoena power, they cannot issue citations, they cannot get in the cockpit. FAA merely consults with them. FAA still retains all of their authority, and it will not change in any way the way airline safety is regulated. FAA will continue to keep all of that authority. It will be the sole purview of the FAA.

In addition, by terms of this memorandum of understanding, the FAA will not adopt any OSHA standard unless there is no impact on airline security. So that is a nonissue. Keeping OSHA out of the cockpit—OSHA is not about to get into the cockpit. What we do want to do is to have the FAA get the best expertise and advice on what they should do for safety around our airplanes and in our airports.

Mr. President, I move to table the Paul amendment No. 18. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusettes (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—52

Akaka	Begich	Bingaman
Baucus	Bennet	Blumenthal
Boxer	Klobuchar	Reed
Brown (OH)	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Shaheen
Conrad	Lieberman	Stabenow
Coons	Manchin	Tester
Durbin	McCaskill	Udall (CO)
Feinstein	Menendez	Udall (NM)
Franken	Merkley	Warner
Gillibrand	Mikulski	Webb
Hagan	Murray	Whitehouse
Harkin	Nelson (NE)	Wyden
Inouye	Nelson (FL)	
Johnson (SD)	Pryor	

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—1

Kerry

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the votes on the FAA Authorization bill regarding the McCain amendment No. 4 to repeal the Essential Air Service Program and Paul amendment No. 18 to strike the clarifying memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. Had I attended today's session, I would have opposed or supported any motion to table both the McCain and the Paul amendments.●

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I express my appreciation, as I have before, to the manager of this bill, Senator ROCKEFELLER, who has worked so hard for so long on this bill—years. I appreciate the work done by the ranking member of this committee, Senator HUTCHISON, who has worked with him for years on this legislation.

I ask unanimous consent the pending amendments be set aside and Senator COBURN be recognized to offer his amendment No. 64; that after the amendment is reported, the Senate proceed to a vote in relation to the Coburn amendment and that no amendments be in order to the Coburn amendment prior to the vote.

Upon disposition of the Coburn amendment No. 64, the pending amendments be set aside and Senator COBURN be recognized for up to 10 minutes to offer amendment No. 80, with a modification which is at the desk, Nos. 81 and 91; and Senator SCHUMER be recognized up to 2 minutes to offer amendment No. 71; Senator BROWN of Ohio be recognized for up to 2 minutes to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32, and the Reid of Nevada amendment No. 54 and the Udall amendment No. 51 be modified with the changes that are at the desk; the Wyden amendment No. 27 be withdrawn; and the Senate then proceed to votes in relation to the following amendments in the order listed: Brown-Portman amendment No. 105; Ensign No. 32, as amended; Reid No. 54, as modified; Udall No. 49, as modified; Udall No. 51, as further modified; Coburn No. 80, as modified; Coburn No. 81; Coburn No. 91; and Schumer No. 71.

Further, there be 2 minutes, equally divided, prior to each voted listed above; that notwithstanding rule XXII, the Leahy-Inhofe amendment No. 50 remain in order and that upon disposition of the Schumer No. 71, there be 10 minutes of debate, equally divided, prior to a vote in relation to the Leahy-Inhofe amendment No. 50; that the Leahy-Inhofe amendment be subject to a 60-vote threshold for passage; that if it does not achieve 60 affirmative votes, the amendment not be agreed to; and that there be no amendments in order to any of the amendments listed in this agreement prior to the votes.

Further, upon disposition of the Leahy-Inhofe amendment, there be no further amendments or motions in order to the bill, except for a managers' package, to be agreed to if it has the concurrence of the majority and Republican leaders; the bill then be read a third time and the Senate proceed to a vote on passage of the bill, as amended; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and if the bill is passed, it be held at the desk.

Finally, that when the Senate receives the House companion to S. 223, as determined by the two leaders, it be in order for the majority leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory pay-go statement be read and the bill be passed; the motions to reconsider be considered made and laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5 to 4; all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 54), as modified, and the amendment (No. 51), as further modified, are as follows:

AMENDMENT NO. 54, AS MODIFIED

On page 27, strike line 11 and all that follows through ''or transfer'' on line 23, and insert the following:

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''purpose;'' and inserting the following: ''purpose, which includes serving as noise buffer land that may be—

''(I) undeveloped; or

''(II) developed in a way that is compatible with using the land for noise buffering purposes;''; and

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

(B) by redesignating paragraph (3) as paragraph (5); and

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

''(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

''(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for capital purposes.

''(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

''(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

''(4) In approving the reinvestment or transfer

AMENDMENT NO. 51, AS FURTHER MODIFIED

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

''(3) DEFINITIONS.—In this subsection:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by the clothing; and

''(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

''(C) PRIMARY SCREENING.—The term 'primary screening' means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

Mr. REID. Mr. President, I ask unanimous consent to set aside the pending amendments so I may call up amendment No. 79 regarding a Grand Canyon economic impact study for air tour operators, and that it be in order notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, until the Senator from Oklahoma is ready to start, I want to say I so appreciate the majority leader working with us, as well as Senator ROCKEFELLER, Senator COBURN, all of the people who have had so many interests in this bill. I think we are finally on the glidepath now, if I can use an aviation metaphor. I am pleased to see that Senator COBURN is on the floor because now I believe we will be able to achieve the passage of this bill after a few votes tonight. I am very grateful to everyone for staying here to finish this important document.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 64

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 64.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 64.

The amendment is as follows:

(Purpose: To rescind unused earmarks)

At the appropriate place, insert the following:

SEC. _____. ORPHAN EARMARKS ACT.

(a) SHORT TITLE.—This section may be cited as the ''Orphan Earmarks Act''.

(b) UNUSED EARMARKS.—

(1) DEFINITION.—In this subsection, the term ''earmark'' means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) IDENTIFICATION AND REPORT.—

(A) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Mr. COBURN. Amendment No. 64 is an amendment by myself and Senator BEGICH from Alaska. It is an orphan earmark amendment where we instruct the agencies to eliminate moneys that have been sitting for 9 years or longer and have not expended it. That is close to $500 million that we could count so far, probably $1 billion. It helps the agencies. It is money we have already allocated that will never be spent, that is unaccounted for. I believe we are going to have a voice vote on it and I appreciate everybody's support of that amendment.

Mr. INOUYE. Mr. President, the Appropriations Committee will not oppose this amendment not because we think it is a good idea—it is not—but

because this amendment does nothing that is not already covered by title X of the bill.

Sadly, this is the kind of amendment that took up far too much of the Senate's time and effort in the last session, and none of it with any discernable value to the American people.

Specifically, we asked CBO to score this amendment and they said they could not. They pointed out that the definition provided in the amendment did not exist 9 years ago; consequently, there are no earmarks older than 9 years that meet this definition. So any claims that this amendment saves the American taxpayer money is simply not substantiated by CBO.

Mr. President, we took the further step of asking agencies across the Federal Government if they could tell us what is out there that could possibly meet the Coburn standard. There are indeed a few projects at the Department of Transportation, but they are already covered by title X of the underlying bill.

Outside of the Department of Transportation, we discovered that there are a few sewer grants still on the books, but they total less than $5 million.

And outside of those two agencies, there may be anecdotal evidence of an earmark here or an earmark there, but that is it. Meanwhile, I note that this amendment as well as title X may well end up costing the American taxpayer more than the amendment claims to save.

The requirement that OMB must create and administer a database and maintain it on its Web site costs money, not to mention the time and labor necessary to establish the criterion for what defines a Congressional earmark for the purposes of this amendment.

In the spirit of President Obama, I will not take this opportunity to relitigate our past debates over the worthiness of Congressionally directed spending requests.

Since my announcement of a moratorium on earmarks this year, it is no surprise to me to see a number of press reports about the communities across the country that are now finding themselves without resources they urgently need.

However, I must say, in the spirit of our many past debates over earmarks, that I find this amendment to be duplicative, ineffective, and a potential waste of the taxpayers' dollars. And if it had come up for a vote, I would most certainly have voted no.

We have serious financial issues before us, and we need to get to work.

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 64) was agreed to.

AMENDMENT NO. 80, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 80, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 80, as modified.

The amendment is as follows:

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 90 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) is located not less than 90 miles from the nearest medium or large hub airport.''.

(6) The secretary may waive the requirements of this subsection as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

Mr. COBURN. Mr. President, this is an amendment regarding Essential Air Service. The amendment of Senator MCCAIN is to eliminate Essential Air Service, which is basically a subsidy for people who have to drive short distances—not long distances—to the airport. But we have selectively said certain people in this country can be advantaged by driving certain distances.

What this amendment as modified says is, provided the Secretary doesn't see extraneous circumstances otherwise, you have to be at 90 miles or greater to qualify for Essential Air Service. We started out with 100 and we saw there were significant difficulties that people actually had with that requirement. What we have done is taken this amendment and moved it to 90 miles. It does not affect a large number of airports but there are several within this that have minimal enplanements.

Remember, the average American drives over an hour to get to the airport now. We are saying we are not going to do it if you are driving an hour and a half, 90 miles, unless there is a circumstance where the Secretary of Transportation says otherwise, such as some particular places in West Virginia where it is tremendously mountainous and the time and distance does not meet with the average. All it does is lessen it.

Remember, in this bill we are increasing the amount of funds at a time we are going bankrupt. We are increasing the amount of funds for Essential Air Service. What we have done is a compromise to extend it to those who actually need it but also not subsidize something we should not. It affects less than 26 airports, and now less than that, now that we have modified it. I appreciate my colleagues' support on that. I think we will have actual votes on that in a minute.

AMENDMENT NO. 81

I call up amendment No. 81.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 81.

The amendment is as follows:

(Purpose: To limit essential air service to locations that average 10 or more enplanements per day)

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting ''(A)'' before ''(i)(I)'';

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.''.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

''(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.''.

(c) WAIVERS.—Such section is further amended by adding at the end the following:

''(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.''.

Mr. COBURN. Mr. President, this is another amendment on Essential Air Service. This amendment eliminates Essential Air Service when the average enplanements are less than 10 a day. There is no way we can afford, given our financial situation, to subsidize Essential Air Service for the airports that have less than 10 a day.

I know that is a disagreement amongst us, especially for those who are having the benefit, that have subsidy today. By the way, the subsidy is supposed to be limited to $200, but if you take what happens on many of these, it is over $400; one of them is $482 per person per subsidy on airports that have less than 10 enplanements a day. It is common sense, given the realities of where we are today, realities of a $1.68 trillion deficit projected by the White House for this year. It makes common sense we would do this.

AMENDMENT NO. 91

Mr. President, I ask unanimous consent to call up amendment No. 91.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 91.

The amendment is as follows:

(Purpose: To decrease the Federal share of project costs under the airport improvement program for non-primary airports)

Strike section 207 and insert the following:

SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS FOR NON-PRIMARY AIRPORTS.

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project for an airport that is not a primary airport is—

(1) for fiscal year 2012, 85 percent;

(2) for fiscal year 2013, 80 percent; and

(3) for fiscal year 2014, 75 percent.

Mr. COBURN. Mr. President, the Airport Improvement Program is a needed program but what we do regularly in the Airport Improvement Program is we are incentivizing the expenditure of moneys in a way that does not recognize the priorities of this country. The way we do that is we have a cost sharing in which the Federal Government pays for 95 percent of all these programs.

What has happened, and even in my own State, we have spent money in airports that have very few landings every day. There is no commercial service but very few private planes landing. All this amendment does is it says if you are going to qualify for the AIP for airport improvement, that over the next 3 years we would take that from 95 percent down to 75 percent, which is well above the average of every other grant program that we have in the Federal Government.

It is not about trying to eliminate, it is trying to say if we are going to set priorities, what we should do is lower the amount of Federal funds so that the State or the community that wants to utilize these funds will recognize, by their having to pony up a little bit more of the money, in fact it is a legitimate thing. At 95 percent we are having all sorts of money wasted on things that are not a priority for our country given the financial situation we are in.

With that, I think I have responded in less than the time allocated to me, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 71

Mr. SCHUMER. Mr. President, I thank Senator ROCKEFELLER and Senator HUTCHISON for their help here. Pursuant to the previous order, I call up my amendment No. 71.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 71.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To control helicopter noise pollution in residential areas)

At the end of title VII, add the following:

SEC. 733. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

Section 44715 is amended by adding at the end the following:

''(g) CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.—

''(1) IN GENERAL.—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

''(A) standards to measure helicopter noise; and

''(B) regulations to control helicopter noise pollution in residential areas.

''(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

''(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

''(ii) penalties for failing to comply with the requirements described in clause (i).

''(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

''(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.''.

Mr. SCHUMER. I yield the floor.

AMENDMENT NO. 105 TO AMENDMENT NO. 32

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent, on behalf of Senator BROWN of Ohio, to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. BROWN of Ohio, for himself and Mr. PORTMAN, proposes an amendment No. 105 to amendment No. 32.

The amendment is as follows:

(Purpose: To improve the provisions relating to integrating unmanned aerial systems into the National Airspace System)

Beginning on page 1, line 3, of the amendment, strike ''(3) establishes'' and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

Mr. BROWN of Ohio. Mr. President, I rise today to speak in support of Brown-Portman No. 105.

This is the first of what I imagine will be many bills and amendments my colleague Senator PORTMAN and I will be working on together.

What the Brown-Portman amendment does is twofold: it paves the way for further research and development of unmanned aerial systems into our national airspace and would designate six sites across the country to further test these new technologies.

This is clearly needed and I appreciate the work of Senator ROCKEFELLER, Senator HUTCHISON, and committee staff on the issue.

UASs are a growing and important sector of the aviation industry that is critical to our economy—whether it is protecting our men and women serving in Afghanistan, patrolling our border, or better monitoring our Nation's agricultural sector.

As further research and development is conducted, other scientific, environmental, and law enforcement uses will become more standard.

In Ohio, cutting edge work is already being done on UASs: at Wright-Patterson Air Force Base, the Springfield National Guard Base, and NASA Glenn in Cleveland.

There is great potential in this sector for job creation and I am confident Ohio will continue its role as the nation's leader in aviation and aeronautics manufacturing and R&D as it relates to UASs.

I thank my colleagues for their support.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I yield back my time on our side.

AMENDMENT NO. 105

The PRESIDING OFFICER. The question is on agreeing to the Brown-Portman amendment to the Ensign amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 105) was agreed to.

AMENDMENT NO. 32

The PRESIDING OFFICER. The question is on agreeing to the Ensign amendment, as amended.

Without objection, that amendment, as amended, is agreed to.

The amendment (No. 32), as amended, was agreed to.

AMENDMENT NO. 54, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment, No. 54, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 54), as modified, was agreed to.

AMENDMENT NO. 49, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment, No. 49, as modified.

Without objection, that amendment is agreed to.

The amendment (No. 49), as modified, was agreed to.

AMENDMENT NO. 51, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment No. 51, as further modified.

Without objection, that amendment is agreed to.

The amendment (No. 51), as further modified, was agreed to.

AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 80, as modified.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. ROCKEFELLER. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—34

Akaka	Inouye	Rockefeller
Alexander	Johnson (SD)	Sanders
Bingaman	Landrieu	Schumer
Blumenthal	Lautenberg	Snowe
Boxer	Leahy	Stabenow
Brown (OH)	Levin	Udall (NM)
Cardin	Mikulski	Warner
Casey	Nelson (NE)	Webb
Collins	Nelson (FL)	Whitehouse
Durbin	Pryor	Wyden
Feinstein	Reed	
Gillibrand	Reid	

NAYS—65

Ayotte	Enzi	McCaskill
Barrasso	Franken	McConnell
Baucus	Graham	Menendez
Begich	Grassley	Merkley
Bennet	Hagan	Moran
Blunt	Harkin	Murkowski
Boozman	Hatch	Murray
Brown (MA)	Hoeven	Paul
Burr	Hutchison	Portman
Cantwell	Inhofe	Risch
Carper	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Conrad	Kohl	Tester
Coons	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Udall (CO)
Crapo	Lugar	Vitter
DeMint	Manchin	Wicker
Ensign	McCain	

NOT VOTING—1

Kerry

The motion was rejected.

AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 80, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 80), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority reader.

Mr. REID. I ask unanimous consent that the next votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 81

The question is on agreeing to amendment No. 81, offered by Senator COBURN.

The amendment (No. 81) was agreed to.

AMENDMENT NO. 91

The PRESIDING OFFICER. The question is on agreeing to Coburn amendment No. 91.

Mr. ROCKEFELLER. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—59

Akaka	Harkin	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Roberts
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Cochran	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	Menendez	Udall (NM)
Coons	Merkley	Warner
Durbin	Mikulski	Webb
Feinstein	Moran	Whitehouse
Franken	Murkowski	Wicker
Gillibrand	Murray	Wyden
Hagan	Nelson (NE)	

NAYS—40

Alexander	DeMint	McCain
Ayotte	Ensign	McCaskill
Barrasso	Enzi	McConnell
Blunt	Graham	Paul
Boozman	Grassley	Portman
Brown (MA)	Hatch	Risch
Burr	Inhofe	Rubio
Cantwell	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
Coburn	Kirk	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	
Crapo	Lugar	

NOT VOTING—1

Kerry

The motion was agreed to.

AMENDMENT NO. 71

The PRESIDING OFFICER. The question is on agreeing to Schumer amendment No. 71.

All time is yielded back.

The amendment (No. 71) was agreed to.

AMENDMENT NO. 50

The PRESIDING OFFICER. There is now 10 minutes of debate, evenly divided, on the Leahy-Inhofe amendment No. 50.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, Senator LEAHY is somewhere around here. But since he is not on the floor, I will go ahead and present this amendment.

This is a Leahy-Inhofe amendment. It is on two almost unrelated things, but the Leahy portion of the amendment extends the public safety officer program benefits from 6 to 10 families whose loved ones died in voluntary services. It is fully offset for 10 years.

The important part of this amendment is mine, and that is—if I could have your attention over here, and I am speaking to the Republicans now, we have been trying to do this for a number of years, and Senator LEAHY and I have agreed to this. Those of us who have been pilots—and I have been for 55 years—I have been involved in a lot of humanitarian missions. What this does is offer liability protection to those of us who volunteer ourselves, our money, and our aircraft to do missions no one else will do. They are humanitarian missions. The longest one I did was all the way down to Dominica, North of Caracas, Venezuela, through two hurricanes, and we saved a lot of lives down there. This would offer liability protection to those individuals who make those sacrifices.

There are 8,000 of us, by the way, around the country, I am sure from every State represented here. So I would encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. COBURN. Mr. President, I have no problem at all with my senior Senator's modification to the amendment. I am going to ask to have a voice vote on this to accommodate everybody, recognizing the late hour, but I want to make a point. What Senator LEAHY wants to do is great to help people. But the one question we have not asked is—and we are going to be asked to ask it all the time from here forward given where we are—is it a Federal responsibility to supply these benefits? You can't find it in the Constitution. You can't find it anywhere.

When we look at the hard decisions we are going to have to make over the next 2 years in terms of trimming both mandatory programs and discretionary programs, where we set an example that we are going to expand something that is not in our constitutional role, we are making a mistake and we are setting ourselves up for failure.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased we will finally vote on the bipartisan amendment that Senator INHOFE and I have proposed. I thank the Commerce Committee chairman and ranking member.

Before we vote I would like to respond to some remarks made on the floor yesterday. The junior Senator from Oklahoma, Mr. COBURN, expressed some concern with the portion of our amendment that makes an improvement to the Public Safety Officers Benefits Act. As I understand one of Senator COBURN's concerns, it is the belief that the PSOB improvement I propose exceeds Congress's proper role under the Constitution.

Section 8 of article 1 in the Constitution empowers Congress to provide for the ''general welfare'' of the United States. Supporting our first responders, and encouraging more Americans to serve their communities as first responders, who are our first line of national security, falls squarely within this clause.

Congress can and does legislate in many areas that support the general welfare of our Nation, whether providing funds to fight violent crime through joint law enforcement task forces, or providing disaster aid to the states following natural disasters. Congress has traditionally acted to support our Federal system through beneficial legislation for the states. I find it difficult to understand how supporting all of our Nation's first responders, on an equal basis, exceeds Congress's proper and traditional constitutional role.

According to my review, there have been 65 Federal cases concerning the PSOB program, and not one of them challenged its constitutionality. In 1986, the Supreme Court took up a case involving the PSOB program, which did not involve a constitutional challenge, and in fact invoked the Constitution's supremacy clause to hold that the Federal PSOB program's benefit could not be interfered with by any inconsistent state law.

Senators may disagree about the wisdom or necessity of legislating for the general welfare or in support of our first responders, but as a constitutional matter, Congress authority to enact programs like the Public Safety Officers Benefits Act is well established.

For over 30 years, since 1976, the Public Safety Officers Benefits Program has assisted the families of first responders lost in the line of duty, including local police, firefighters, and EMS technicians. This policy was enacted in part to encourage more Americans to serve their communities as police officers, firefighters, and paramedics. The importance of the services they provide is undeniable.

Senator COBURN also expressed concern that our amendment expanded Federal costs. So let me be clear on this point: while the estimated cost of this proposal is modest—less than $13 million over 10 years our—amendment is fully paid for through an included offset. Let me repeat that because I think there may be some confusion on this point—this amendment is completely paid for. It is deficit neutral and will have no budgetary impact given the included offset.

I also heard a concern about the fact that this amendment may not be germane to the underlying bill. If I am not mistaken, one of the very first amendments the Senate voted on, and for which Senator COBURN voted in favor and had no procedural objection that I am aware of, was an amendment to repeal the health care law. I do not think that amendment would be ruled germane. Nonetheless, in the spirit of moving the legislative process forward, the Senate voted on it.

Senator INHOFE and I have worked together to try to advance two proposals that are important to us, and which will both support our Nation's first responders and encourage volunteerism. I thank Senator INHOFE once again, and I urge all Senators to join us in support of this amendment.

I ask unanimous consent that letters of support for my amendment from the American Ambulance Association, the National Association of EMTs, the International Association of Fire Fighters, and the International Association of Fire Chiefs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN AMBULANCE ASSOCIATION,

McLean, Virginia, February 4, 2011.

The Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the membership of the American Ambulance Association (AAA), I am proud to convey our strong support for Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). Your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. It would also provide much needed liability protection to volunteer pilots.

We greatly appreciate that the amendment is named after Dale Long who lost his life in the line of duty in June of 2009. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years, most recently with the Bennington Rescue Squad. Just two months prior to his death, Dale was recognized by the American Ambulance Association as a Star of Life for his years of dedicated service to patients. In 2010, Dale was honored by the National EMS Memorial. Dale is deeply missed and we greatly appreciate your efforts on his behalf and those of thousands of paramedics and EMTs around the country.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, put their lives on the line. We therefore applaud your leadership to make EMS personnel employed by nonprofit agencies eligible for public safety officer benefits and encourage you to ensure that eventually all EMS personnel are covered.

The AAA is the primary national trade association for providers of emergency and non-emergency ambulance services. The AAA is comprised of more than 600 ambulance service operations which account for providing services to over 75 percent of the

U.S. population. AAA members include private, public, fire-based, hospital-based and volunteer ambulance service providers serving urban, suburban and rural areas. The AAA was formed in 1979 in response to the need for improvements in medical transportation and emergency medical services.

Again, we strongly support Amendment No. 50 to S. 223 and greatly appreciate all of your efforts on the issue.

Sincerely,

STEVE WILLIAMSON,
President.

NATIONAL ASSOCIATION
OF EMERGENCY MEDICAL TECHNICIANS,
Clinton, Mississippi, February 4, 2011.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY, The National Association of Emergency Medical Technicians, NAEMT, strongly supports Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). In addition to providing liability protection to volunteer pilots, your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. Your amendment would provide piece of mind to thousands of emergency medical service, EMS, personnel and their families including those of Dale Long.

The death in June of 2009 of Dale Long was a tragedy. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years and served with the Bennington Rescue Squad for the last four of those years. In 1998, he was recognized as the Vermont Advanced Provider of the Year. Dale will be deeply missed and we greatly appreciate you honoring Dale by naming this vital amendment after him.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, are willing to put their lives on the line. We very much appreciate your leadership to make EMS personnel employed by nonprofit agencies eligible for federal death benefits and encourage you to ensure that eventually all EMS personnel are covered.

Again, we strongly support Amendment No. 50 to S. 223 and thank you for all of your efforts on this issue.

Sincerely,

CONNIE MEYER,
President, NAEMT.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
February 7, 2011.

Hon. PATRICK LEAHY, Chairman,
Committee on the Judiciary, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I wish to express our support for the Dale Long Emergency Medical Service Providers Protection Act, and urge the Senate to adopt it as an amendment to the FAA reauthorization.

The legislation corrects an inequity in Public Safety Officers Benefit, PSOB, by extending coverage to those employees and volunteers of non-profit ambulance squads that serve public agencies. Throughout the nation, many non-profit entities serve as the principal 911 emergency responder for their communities, and the emergency care providers who work or volunteer for such agencies should be treated as public safety officers. For example, Dale Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue

Squad, which is the designated 911 emergency response agency for the town of Bennington, VT.

We believe your amendment fixes this oversight without undermining the original purpose of the PSOB program to provide assistance to the families of fallen public safety officers. The amendment strikes, the appropriate balance, and we urge the Senate's support.

Thank you for your consideration of the views of America's professional fire fighters and emergency medical responders.

Sincerely,

BARRY KASINITZ,
Director of Governmental Affairs.

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, February 8, 2011.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary,
Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for your amendment to S. 223, FAA Air Transportation Modernization and Safety Improvement Act, which would add the ''Dale Long Emergency Medical Service Providers Protection Act.'' This amendment strikes a proper balance between providing for the families and loved ones of fallen nonprofit EMS personnel, and protecting the original intent of the Public Safety Officers' Benefits (PSOB) program.

The amendment would afford previously excluded survivor benefits through the U.S. Department of Justice's PSOB program to the families and loved ones of fallen EMS personnel who work or volunteer for a public or non-profit rescue squad or ambulance crew that is officially authorized or licensed to engage in rescue activity, and is officially designated as a pre-hospital emergency medical response agency.

Across the United States, many non-profits serve as the principal 9–1–1 emergency medical responder for their communities. These EMS personnel who work or volunteer for such agencies should be treated as public safety officers under the PSOB program. EMT specialist Dale R. Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue Squad, which is the designated 9–1–1 emergency response agency for the town of Bennington, Vermont.

Thank you for your continued support for America's public safety community.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,
President and Chairman of the Board.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DURBIN. I yield back the time.

Mr. COBURN. Mr. President, I ask unanimous consent to waive the 60-vote threshold on this vote and have a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 50) was agreed to.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 10, AS MODIFIED; 22; 37, AS MODIFIED, 46, AS MODIFIED; 53, 57, 59, 65, 86, AND 94

Under the previous order, the managers' package is agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 10, AS MODIFIED

(Purpose: To change the effective date for certain noise level amendments)

On page 278, line 2, strike ''5 years after the date of enactment of this Act.'' and insert ''on Dec. 31, 2014.''

AMENDMENT NO. 22

(Purpose: To cap the local cost share under the contract air traffic control tower program at 20 percent)

On page 143, beginning on line 10, strike ''for'' and all that follows through ''enplanements'' on line 13 and insert ''capped at 20 percent''.

AMENDMENT NO. 37, AS MODIFIED

(Purpose: To clarify the allowable costs standards for public-use airport projects)

Strike section 214, and insert the following:

SEC. 214. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

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

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

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

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

AMENDMENT NO. 46, AS MODIFIED

(Purpose: To allow the IRA rollover of amounts received in airline carrier bankruptcy)

At the appropriate place, insert the following:

SEC. _____. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then

such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SEC. _____. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. _____. MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.

(a) IN GENERAL.—Section 249(a) of the Internal Revenue Code of 1986 is amended by striking '', or a corporation in control of, or controlled by,'' and inserting '', or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as''.

(b) CONFORMING AMENDMENT.—Section 249(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''subsection (a)—'' and all that follows through ''The adjusted issue price'' and inserting ''subsection (a), the adjusted issue price'', and

(2) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

AMENDMENT NO. 53

(Purpose: To require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters)

On page 208, between lines 19 and 20, insert the following:

(c) IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.—

(1) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') shall require a detailed inspection of each emergency locator transmitter (referred to in this section as ''ELT'') installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer's specifications.

(2) MOUNTING AND RETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) REVISION.—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) REPORT.—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT NO. 57

(Purpose: To authorize the Administrator of the Federal Aviation Administrator to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects)

On page 54, between lines 3 and 4, insert the following:

SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) GENERAL AVIATION AIRPORT.—The term ''general aviation airport'' means an airport that does not receive scheduled passenger aircraft service.

(b) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

AMENDMENT NO. 59

(Purpose: To require a report on the use of explosive pest control devices)

At the end of subtitle A of title V, add the following:

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

AMENDMENT NO. 65

(Purpose: To accelerate the implementation of required navigation performance procedures)

On page 80, beginning with line 8 strike through line 25 on page 83 and insert the following:

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as ''qualified third parties'') that includes the following:

(A) RNP OPERATIONS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) IMPLEMENTATION PLAN.—A plan for implementation of those procedures that establishes—

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

(ii) specific implementation and transition steps;

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

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipage to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipage.

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

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 30 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) OTHER AIRPORTS.—

(1) IN GENERAL.—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) IMPLEMENTATION SCHEDULE.—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) ESTABLISHMENT OF PRIORITIES.—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

AMENDMENT NO. 86

(Purpose: To provide for use of model aircraft for recreational and other purposes)

On page 245, between lines 7 and 8, insert the following:

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies,, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term ''model aircraft'' means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

AMENDMENT NO. 94

(Purpose: To require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats)

On page 128, between lines 2 and 3, insert the following:

SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring

each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

THROUGH THE FENCE AGREEMENTS

Mr. WYDEN. I want to thank Chairman ROCKEFELLER for the opportunity to have this colloquy with him today on the topic of through the fence agreements. Now, most folks don't know this, but there are a few different developments throughout the country that have houses with plane hangars near airports, and they have what is called a through the fence agreement to use the airway runway. Is the Senator familiar with these agreements?

Mr. ROCKEFELLER. I am aware of these agreements.

Mr. WYDEN. As the Senator might know, one place that has had a residential airpark for many decades is in my home State, in a town called Independence, OR. Since 1974, folks at the Independence Airpark have had an agreement with the Independence airport to taxi their planes up to the runway and use it for recreation and travel purposes.

But recently, the FAA decided to change the rules on all through the fence agreements and the folks at Independence Airpark and elsewhere may not be able to continue an arrangement they have had nearly 40 years with no significant safety issues and no significant noise complaints.

That just doesn't seem fair. So I have introduced an amendment I believe will safely provide a path forward for places like the Independence Airpark to continue to exist. Is the Senator aware of the amendment I filed?

Mr. ROCKEFELLER. I am aware that the Senator has filed an amendment on this issue, and I understand his concerns about this issue and its effect on his constituents.

Mr. WYDEN. While I understand we may not have an opportunity to vote on my amendment, Mr. Chairman, as we moved forward on this FAA reauthorization bill, can the Senator commit to working with me to find a solution so folks who have never gone afoul of the law or regulations are treated fairly?

Mr. ROCKEFELLER. I would be glad to continue working with the Senator on this issue, and I appreciate his work to ensure that there is fairness in this regard.

Mr. WYDEN. I thank the Senator, both for his important work on this larger FAA bill, and for his willingness to work with me in addressing this issue.

Mr. LEVIN. Mr. President, I will vote in support of S. 223, of the FAA Air Transportation Modernization and Safety Improvement Act and I urge its adoption and enactment.

The Senate is already on record in support of the contents of this bill. This is because the bill we are voting on today is almost identical to the FAA authorization bill that passed the Senate 93–0 in March of 2010. The last reauthorization bill expired at the end of fiscal year 2007 and since then we have passed 17 short-term extensions. We are well overdue to enact a long-term reauthorization of FAA's programs in order to provide important funding increases and program improvements that will enhance the safety and efficiency of our Nation's aviation system. In so doing we will make key investments in our nation's aviation infrastructure as well as create good jobs in the process.

Our global economy depends on the smooth and efficient movement of goods, services and people from city to city and across international borders. A safe and efficient aviation system goes hand in hand with a strong economy. We are fortunate to have the best aviation system in the world and we must continue to make the necessary investments and upgrades to retain that high standard. The FAA reauthorization bill helps us to do this by addressing problems of capacity, congestion and delays. This will ensure our aviation system can handle the projected growth in airlines passengers.

The FAA reauthorization bill being considered by the Senate today will create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. For instance, in Michigan the FAA is building two new air traffic control towers, at Kalamazoo and Traverse City. The FAA is also repaving numerous runways and taxiways, including at Detroit Metropolitan Wayne County Airport, Alpena County Regional Airport, Bishop International Airport, Sawyer International Airport and at other airports around the state. The FAA is also constructing new terminal buildings at Kalamazoo/Battle Creek International Airport and at MBS International Airport in Freeland, Michigan. Additionally, FAA funds are paying for the design of a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are much needed upgrades to Michigan airports and will make flying into and around Michigan safer and easier. These are the kinds of improvements this bill will continue to make possible in the future.

A key component of S. 223 will modernize our air traffic control system by building the Next Generation Air Transportation System—NextGen—of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar-based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carriers and good for the flying public. The bill also provides flexibility to airports in using Airport Improvement Program funds as well as studying ways to raise revenue for airport projects through a pilot program.

This bill also includes important passenger rights protections. It requires airlines to plan for delays and protect passengers while they are on an aircraft, including how airlines will provide adequate food, water and access to restrooms. It also requires that passengers be allowed to deplane after 3 hours on the tarmac.

And this bill makes important improvements to the Essential Air Service Program, which provides rural communities with access to the national air transportation system. The EAS program is important to Michigan because we have eight communities that rely on EAS subsidies to help provide them with daily commercial air service. This bill increases EAS program funding by $73 million a year to $200 million annually. I joined my colleagues in defeating a McCain amendment that would have eliminated the Essential Air Service Program. I strongly oppose attempts to deprive Michiganians living in the less populated areas of our State of commercial air service. For businesses in the affected communities, this service is an economic lifeline that connects them to the web of both national and international commerce. At a time when we're doing everything we can to compete and to increase the number of jobs, cutting off that access makes no sense.

Again, I am pleased to vote yes on final passage of the FAA Air Transportation Modernization and Safety Improvement Act and I hope the House of Representatives will also act quickly to adopt a bill.

Mr. ROCKEFELLER. Mr. President, I believe this bill is fundamental to our Nation's long-term economic competitiveness. It will create good-paying jobs across the country. It will improve the safety and efficiency of our Nation's air transportation system. And it will help to make sure the United States remains the global leader in aviation.

As we approach a final vote on the FAA reauthorization, I want to close by touching briefly on why this is so important—and why we have spent 3 weeks working on this bill.

This FAA reauthorization is about more than aviation, it is about stimulating the economy and securing jobs and retaining jobs.

The aviation sector supports over $1 trillion in economic activity and over 11 million jobs in the United States. This bill will support hundreds of thousands of aviation jobs annually. Moreover, it is critical to the businesses that rely on aviation and will provide a base for financial success in an increasingly global economy.

This bill is about improving commercial airline service to small and rural communities, making sure all areas of the country have adequate access to the Nation's air transportation network.

It also establishes better consumer rights protections for travelers, giving passengers a more consistent and improved air travel experience.

Ultimately, it is about improving safety and modernizing our system.

In other words, it is about people's lives every day—the safety of our skies for passengers and their families is critical and we must get this right.

Statistically, the United States has the safest air transportation system in the world. But statistics do not always tell the whole story.

It has been just over 2 years since the crash of Flight 3407 in Buffalo, NY, took the lives of 50 people. This tragedy reminds us that we must remain vigilant in making the national airspace system as safe as possible.

Although we were able to take important steps last August to improve pilot training and fatigue, this bill still has several critical provisions that will further improve the safety of our skies.

Modernizing the air traffic control system will not just make our skies more efficient, it represents a quantum leap forward for aviation safety by providing our air traffic controllers and pilots' real-time traffic and weather information.

The bill also takes steps to strengthen inspections of airline operations, require better oversight of foreign repair stations, and improve helicopter emergency service operations.

This bill is also about equality and economic stability. It will provide needed resources to airports large and small, urban and rural.

Although the U.S. airline industry has begun to recover from the recent economic downturn, hundreds of rural communities across our country continue to struggle.

The future of small communities' economic standing depends on access to air service.

I have witnessed firsthand the positive impact that aviation has made on my home State of West Virginia, and I have seen time and time again how important a lifeline it is for local communities.

The Federal Government must continue the commitment it made when the industry deregulated to provide the resources and tools small communities need to attract adequate air service.

Our legislation accomplishes this by building on existing programs and strengthening them with appropriate reforms.

This bill also strengthens passenger protections by incorporating a passenger bill of rights to deal with the most serious flight delays and cancellations.

Passengers have had it with endless delays—especially when they are stuck on the tarmac. They have had it with being overlooked and dismissed by the aviation system.

The Department of Transportation, DOT, has already begun implementing similar measures and seen great success—this legislation makes certain the Federal Government continues to focus on passengers' rights.

Our air traffic control system is outdated and strained beyond its capacity.

America's air traffic control network is still using WWII-era technology. We are behind Mongolia, and that is unacceptable.

The Next Generation Air Transportation System, NextGen, will save our economy billions by creating additional capacity and more direct routes. This will allow aircraft to move more efficiently and effectively.

Drastic reductions in fuel consumption will reduce carbon and noise emissions in the aviation sector.

And as I noted before, NextGen will dramatically improve safety.

A modern air traffic control system will provide pilots and air traffic controllers with better situational awareness—giving them the tools to see other aircraft and detailed weather maps in real time.

But achieving a modernized air transportation system requires sustained focus and substantial resources.

This reauthorization bill takes concrete steps to accelerate implementation of a modern, satellite based air traffic control system so we can begin to reap these benefits now.

We must move boldly or risk losing our leadership in the world. Over the 3 weeks, I have spoken about the primary goals we set out to achieve with this bill: 1, to address critical safety concerns; 2, to establish a clear roadmap for the implementation of NextGen and accelerate the FAA's key modernization programs; 3, to invest in airport infrastructure; and 4, to continue improving small communities' access to the Nation's aviation system.

I am proud of how far we have come. I also want to thank Senator HUTCHISON, the ranking member of the Commerce Committee and my able partner, for her work on this bill. It is truly a bipartisan bill that reflects a shared vision and goal of making sure the United States continues to have the safest, most efficient, and most modern aviation system possible.

This bill passed 93 to 0 last year. I know a few of my colleagues have had substantial differences over the issue of slots at National Airport. But this issue is minor compared to the benefits provided by the larger bill.

Flights at National Airport should not bring down a bill that is critical to so many Americans and supports so many jobs.

I urge my colleagues to move forward and give the FAA the tools, the resources, the direction, and the deadlines to make sure the agency can provide effective oversight of the aviation industry.

I urge my colleagues to support reauthorization and advance our system now. We cannot afford to wait any longer.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

Mr. ROCKEFELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—87

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Schumer
Cantwell	Kirk	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Cornyn	Manchin	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—8

Crapo	Lee	Toomey
DeMint	Paul	Vitter
Johnson (WI)	Risch	

NOT VOTING—5

Coons	Kerry	Sanders
Corker	McCain	

The bill (S. 223), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the measure will be held at the desk.

The Senator from Alaska.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on rollcall vote No. 24, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The aforementioned tally has been changed to reflect the above order.)

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the following votes: (1) vote in relation to Coburn amendment No. 91 to decrease the Federal share of project costs under airport improvement program for nonprimary airports; (2) vote in relation to Coburn amendment No. 80 to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport; (3) vote in relation to Coburn amendment No. 81 to limit essential air service to locations that average 10 or more enplanements per day; (4) vote on Leahy-Inhofe amendment No. 50 to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofits and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefits; and (5) final passage of the FAA reauthorization act, S. 223.

Had I attended today's session, I would have voted (1) to oppose Coburn amendment No. 91 or to support any motion to lay that amendment on the table; (2) to oppose Coburn amendment No. 80 or to support any motion to lay that amendment on the table; (3) to oppose Coburn amendment No. 81 or to support any motion to lay that amendment on the table; (4) to support Leahy-Inhofe amendment No. 50; and (5) to support final passage of the FAA reauthorization act, S. 223.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING STAFF

Mr. ROCKEFELLER. Mr. President, before we wrap this up entirely, there is just a couple of people I want to thank. I particularly want to thank my ranking member, whom I refer to as my cochair, Senator KAY BAILEY HUTCHISON, for her incredibly hard, smart, indefatigable commitment and pure determination to see this bill through. I could not have asked for a better partner on this bill or as a partner on the Commerce Committee. We work in sync. It doesn't mean we have to agree on everything, but it happens we usually do.

I know, and our colleagues should know, this bill simply would not have happened without her hard work, without her negotiating skills everywhere, constantly. She was tenacious in getting a lot of deals done on what was the most contentious issue, slots. She was patient and she was fair. I want my colleagues and the whole world to know how much I admire her as a person and as a professional, and I am grateful she has applied her considerable expertise and legislative savvy to this effort.

I also want to take a moment to tell my colleagues that I am very disappointed that Senator HUTCHISON has chosen not to seek reelection. She has been a model public servant—she is a model public servant—who has made a real difference in the lives of Americans. She has made Texas proud. The Senate will be worse off without her. The Commerce Committee will be worse off without her. The aviation world will be worse off without her. Most importantly, the people of Texas will miss her talent and her clear ability to represent their interests at the Federal level. She is amazing.

I will reluctantly not begrudge her the opportunity to bring her considerable talents to her post-Senate life, which she fully deserves. But I have her as my partner in the Commerce Committee for 2 more years, and for that I am very grateful. We have 2 more years to team up and see what we can accomplish together and as a committee. We have a full agenda, and this bill is just the first of what I hope will be many joint successes in this Congress.

I want to take a few minutes to thank the staff who have worked so incredibly hard on this bill. The issues we deal with are very difficult. Sometimes they are very boring. And sometimes they are just persistent. You have to scratch them all the time. They are always arcane. We would not be able to do our jobs without the assistance of a very dedicated and smart staff on both sides of the aisle.

I am going to start with Senator HUTCHISON's staff first. I would like to thank Jarrod Thompson, Senator HUTCHISON's lead aviation staffer, who worked seamlessly with my staff. Such is not always the case in this body. The importance of his work on this bill cannot be overstated. He managed every issue in this bill with a calm professionalism that made a challenging process a lot easier.

I would also like to thank her staff director, Ann Begeman, who is truly a gem—that is called a jewel. Ann has been nominated to be Commissioner on the Surface Transportation Board, and she is going to be a great asset to that commission. The committee will consider her nomination soon. Not trying to look ahead too far, I hate the thought of losing her, but she is going to make a fantastic Commissioner.

Finally, I would like to recognize the work of Brian Hendricks, whose fierce tenacity was essential to getting this bill done. He was instrumental in quietly working away, constantly getting things done.

For my part, I am fortunate to have a tremendous staff, too—in my State, in my personal office, and on the committee. I am genuinely lucky I have managed to hold on to a very talented group of people who each fundamentally appreciate it is a privilege to be in public service. If you don't have that instinct, you are not going to do a lot around here.

The staff of the aviation subcommittee is truly exceptional because Gael Sullivan never seeks recognition. I want to spend a minute on giving him the enormous credit and recognition he deserves. Gael Sullivan has spent 10 years on the subcommittee and almost 20 years as a staffer on the Commerce Committee. He knows everything there is to know about aviation. He works enormously hard day in and day out, whether we are on the floor or just trying to solve a problem of a rural airport or a small community depending on Essential Air Service. Gael is here because he is absolutely dedicated to making a difference. He has been critical to every aviation bill that we have tried on this committee. His hard work has helped produce a safer and more efficient air traffic control system and a more secure aviation system.

Working with Gael is Rich Swayze. Rich is an aviation expert as well. From his Ph.D. thesis on air service to his work at GAO, Rich has developed his aviation expertise and the committee and my Senate colleagues have benefitted from that. They may not know that, but they have. Rich has put countless hours into this bill over the last 3 years. He has worked tirelessly on helping resolve the thorniest of issues, such as, for example, slots.

Adam Duffy is the third member of my aviation team. Adam keeps the subcommittee running. Besides helping draft briefing materials for the bill and preparing points for the floor, he has done yeomen's work managing the paper—the amendments—and making sure I had what I needed. His is not a glamorous job at times, but sometimes those are the most important jobs of all.

Finally, there is James Reid. James Reid, for many years, has been a senior adviser to me on Commerce Committee issues—both in my office in the Hart Building and at the committee—including aviation. He has been the deputy staff director of the Commerce Committee since I became chair, and I don't know what I would do without him—literally don't know.

I have known James for many years. I know how smart he is. The tragedy of how things get done is that staff is never recognized for who they really are—the group who puts all of it together—and how funny he is. Now, it is an art form to get to the funny part, but he is one of the funniest people I know, and he has a good heart. I still marvel at the sheer skill he has. Whether it is working through the details of a vexing legislative dilemma or thinking through the best strategic maneuver to achieve success, James can do it all. I totally rely on him. I

am so grateful for his willingness to sacrifice more lucrative opportunities, as so many of our staff are willing to do, to make the Commerce Committee work. I know the entire staff feels the same way I do.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague, Senator ROCKEFELLER, for the wonderful words about myself, about both of our staffs, and suffice it to say, I think the leadership that comes from the top—Senator ROCKEFELLER, as chairman of the Commerce Committee—has put together a staff and a mandate for all of us such that we are going to be a productive committee, we are going to work together, and we are going to shoot straight. And that is exactly what our staffs do, and it is what we do.

The reason we get along so well and have done so much is that we may not agree on every issue, but we try to help each other in a way that achieves the overall goal we both want. Then we have the room to differ on specific ways to get there. So it is a pleasure to be the ranking member of the Commerce Committee, and I do feel that I am a full partner. Even though I am not the chairman of the committee, I do feel like the vice chairman. So I thank the chairman.

I think we have accomplished so much tonight. We haven't passed, on final passage, this bill, but the authorization bill that preceded this one was passed in 2007, and we have had 18 short-term extensions. The FAA runs our aviation system in this country. It is responsible for the safety, it is responsible for consumer protection, and it is responsible for managing the air traffic in this country and managing the fund that helps airports with infrastructure. So short-term extensions don't work in infrastructure and in the areas where there has to be long-term planning. We have been trying to start the process of the long-term planning for the next generation of air traffic control systems since 2007. Tonight, we have passed a major hurdle.

The House is going along on the same track to pass an FAA reauthorization, and I believe we will pass the final bill, I hope, before the short-term extension runs out at the end of March. That will be our goal. I think because we have come together on this bill, we have a good chance of doing that.

I think having the first major bill on the floor in this session of Congress was a big test, and I want to commend our leaders, HARRY REID and MITCH MCCONNELL, for the way it was handled. HARRY REID let the process work. We had plenty of time for amendments. Senator MCCONNELL was very helpful in ensuring that amendments were not an overload. There was no attempt to filibuster this bill. I think this is the way we ought to proceed for the next 2 years, and I think we have made a great start with this bill. People have had their say, they have had their debate time, and that, I hope, is the way the Senate will resume.

I do want to say there were tough issues. The perimeter rule around Washington Reagan National Airport was the biggest sticking point, and it took a lot of give on all sides to assure that the relaxation of the perimeter rule, through exemptions, was done in a way that, I believe, will not hurt any of the stakeholders. I believe there is a balance. I believe we will have more western Senators and their constituents who will be able to have direct access to National Airport. I think we have done right by the airlines that are incumbent carriers at Washington National, and we have made room for new entrants into Washington National, but it was very difficult.

I just want to single out a few people who made huge contributions to this success: Senator KYL from Arizona and Senator ENSIGN from Nevada. They represented the western interests so well. They know aviation and they knew what we could do and we have made great progress.

I will also commend Senator WYDEN, from Oregon, and Senator CANTWELL, who is going to be the new chairman of the Aviation Subcommittee in the Commerce Committee. They both represented the Northwest and Alaska very well. Senator BEGICH and Senator MURKOWSKI also did so much to help us thread the needle that would be a balanced bill.

Then there was Senator WARNER, who also had a different interest and that was to protect his constituents from congestion around Washington National. I think we were able to accommodate the needs of the people who live around National Airport as well, through the leadership of Senator WARNER. It took a lot of negotiation to get there. That is why this bill took several weeks to do.

I am very proud and pleased that we have done this. I too want to recognize the staffs, without whom none of us could do the research and the detail work that is necessary. I will start with Senator ROCKEFELLER's Democratic Commerce staff. Ellen Doneski runs the Senate majority on the Commerce Committee. She is a joy. She and Ann Begeman, who runs the Republican side, are truly colleagues who can shoot straight. There are never surprises. We trust each other. We don't always agree. The answer is not always ''yes.'' But the answer is straight. That is what you need when you are working together to achieve results.

James Reid, on this bill—I didn't know he was funny because, frankly, there hasn't been much fun for the last 2 weeks. But I am glad to know that we have a personality trait that I am going to get to learn. But I did know he is smart. I did know he was very helpful in the capability to work things out with the many amendments and needs of all of our colleagues when it is a big bill.

Gael Sullivan, Rich Swayze, Bruce Andrews, and Adam Duffy all helped in this effort.

I thank the floor staffs from both sides. They are the ones who are sitting in front of us right now. They have been sitting in front of us about 9 o'clock every night that we have been on this bill. I thank Tim Mitchell, Gary Myrick, Tricia Engle on the majority staff. On our side, I know we couldn't do without Dave Schiappa, Laura Dove, Jody Hernandez, and all the cloakroom staff. Honestly, I have to say the floor staff makes the trains run on time. They also work things out sometimes so we do not even have to do it. I appreciate so much all that you all do. You are the wind beneath our wings.

I thank, also, on our side Senator MCCONNELL's staff, Scott Raab, who is the aviation Commerce Committee staff person. We appreciate his efforts to help us keep things on track for the leader.

Then my own Senate Commerce Committee staff. This is why I want to say that we have a great Commerce Committee staff, some of whom will be leaving. This may be their final achievement. I am very pleased they are going to leave on such a high.

Ann Begeman is the chief of our Commerce Committee staff. As the chairman pointed out, she has been given a great position, a promotion. She has been appointed to be a Commissioner on the Surface Transportation Board. She is going to do a great job. In fact, I think she is accusing us of holding up her hearing because we like her so much. But she is going to, in fact, have a hearing in the next couple of weeks. I know she will be confirmed because everyone who works with her knows what a great manager and a great leader she has been on our staff.

I want to thank Brian Hendricks. Brian was described by the chairman as quietly effective—and we all started laughing on the back bench because Brian is a tiger. We need his brilliance and his tenacity in all of the major things we do on the Commerce Committee. In fact, Brian is going to be the new incoming Chief of Staff of the Republican Commerce Committee when Ann Begeman takes her new position at the Surface Transportation Board. He has earned this by leading us through some of the toughest times, not only this bill, where he was a help, but also taking the lead on the NASA bill that we also passed through our committee. The NASA authorization bill, that was passed through the Commerce Committee through the leadership of Brian Hendricks of all of us on the Commerce Committee, is saving America's position in space exploration. We could not have done it without Brian Hendricks. I will never forget the contribution he has made to America. He is going to be with us for a long time to come as well.

Jarrod Thompson was the lead on this bill. As the chairman said, we

could not have done it without Jarrod. He knows aviation backward and forward. There is not a question that was ever asked about what the rules were, what the law was, who was at every airport—he knew. He has been the aviation committee clerk through the relaxation of the Wright amendment restrictions around Love Field and DFW Airport. When we started on this bill and we got to the perimeter rule at Washington National, it was as though Jarrod Thompson had been through this before. He knew what restrictions were and how you could ease them in a balanced way. It was in fact Jarrod who came up with the way forward when we were at a complete impasse at 9 o'clock last night. He is essential to our team as well.

Nick Rossi, a very important part of our staff, is also getting a promotion. SUSAN COLLINS has stolen him from our staff to make him Staff Director at Homeland Security. We never argue when people are promoted. We will miss him very much because he has been an invaluable member of the Commerce Committee staff. He will do a great job running the Homeland Security Committee, the Republican side of that committee staff.

Patrick Mullane is going to be moving over to the Budget Committee. He was a great help. He knows transportation backward and forward.

Todd Bertoson is a great member of our team who is staying with us and will continue to contribute so much with his expertise in marine and ocean, which is another part of our Commerce Committee jurisdiction.

I am very pleased we have been able to achieve a great bill that I know is taking us the next step toward the reauthorization bill that is going to put the FAA, our air traffic control system, our consumer protections, and our safety in the place where they ought to be.

I thank the chairman for his leadership and I yield the floor.

COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Mr. LEAHY. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent to have printed in the RECORD a copy of the committee rules.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendars days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the rules of the Committee on Finance for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings*.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer*.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums*.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations*.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling*.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions*.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote*.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes*.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas*.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations*.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings*.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings*.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings*.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences*.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings*.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees*.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. A transcript, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Mr. HARKIN. Mr. President, in accordance with Rule XXVI.2 of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of procedure for the Committee on Health, Education, Labor, and Pensions, as unanimously adopted by the committee on February 16, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such

a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chairman for prompt electronic distribution to the members of the committee.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall distribute to each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, along with a summary of the proposed changes prepared by the sponsor of the bill or joint resolution.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for

purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments electronically to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(m)(1) **Committee on Health, Education, Labor, and Pensions,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an

explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Rules of Procedure of the Committee on Veterans' Affairs for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS
RULES OF PROCEDURE

I. MEETINGS

(A) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(B) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(C) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside over all meetings.

(D) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(E) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(F) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee Members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to Members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(G) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each Member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the Members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (F).

II. QUORUMS

(A) Subject to the provisions of paragraph (B), eight Members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five Members of the Committee shall constitute a quorum for purposes of transacting any other business.

(B) In order to transact any business at a Committee meeting, at least one Member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a Member, the matter shall lay over for a calendar day. If the presence of a minority Member is not then obtained, business may be transacted by the appropriate quorum.

(C) One Member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(A) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(C)(1) Each witness who is scheduled to testify at a hearing of the Committee shall submit 40 copies of such witness' testimony to the Committee not later than 48 hours before the witness' scheduled appearance at the hearing.

(2) Any witness who fails to meet the deadline specified in paragraph (1) shall not be permitted to present testimony but may be seated to take questions from Committee members, unless the Chairman and Ranking Minority Member determine there is good cause for the witness' failure to meet the deadline or it is in the Committee's interest to permit such witness to testify.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's non-concurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

(1) Information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated and which is to be made public; and

(2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless:

(A) Such individual is deceased and was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mrs. FEINSTEIN. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—Witnesses may make brief and relevant statements at

the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to oppose such contempt or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any

classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee staff, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Chairman and Vice Chairman.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

Appendix A

S. Res. 400, 94th Cong., 2d Sess. (1976)[1]

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the

select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4.(a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5.(a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8.(a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member

of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and (2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as otherwise provided in subsection (b), the select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(2) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.

APPENDIX B

INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

TITLE III—COMMITTEE STATUS

* * * *

SEC. 301(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C

RULE 26.5(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

ENDNOTES

[1] As amended by S. Res. 4, 95th Cong., 1st Sess. (1977), S. Res. 445, 108th Cong., 2d Sess. (2004), Pub. L. No. 109–177, 506, 120 Stat. 247 (2005), and S. Res. 50, 110th Cong., 1st Sess. (2007).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 112th Congress earlier today. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

112TH CONGRESS

RULE I—MEETINGS OF THE COMMITTEE

1. IN GENERAL.—The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. OPEN MEETINGS.—Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. STATEMENTS.—Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. FIELD HEARINGS.—Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

RULE II—QUORUMS

1. BILLS, RESOLUTIONS, AND NOMINATIONS.—A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. OTHER BUSINESS.—Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. TAKING TESTIMONY.—For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

RULE III—PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

RULE IV—CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

RULE V—SUBPOENAS; COUNSEL; RECORD

1. SUBPOENAS.—The Chairman, with the approval of the ranking minority member of the Committee, may subpoena the attendance of witnesses for hearings and the production of memoranda, documents, records, or any other materials. The Chairman may subpoena such attendance of witnesses or production of materials without the approval of the ranking minority member if the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph 1 of rule II being present. When the Committee or Chairman authorizes a subpoena, it shall be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman. At the direction of the Chairman, with notification to the ranking minority member of not less than 72 hours, the staff is authorized to take depositions from witnesses. The ranking minority member, or a member of the Committee staff designated by the ranking minority member, shall be given the opportunity to attend and participate in the taking of any deposition. Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present.

2. COUNSEL.—Witnesses may be accompanied at a public or executive hearing, or the taking of a deposition, by counsel to advise them of their rights. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing, or the taking of a deposition, to advise the witness, while the witness is testifying, of the witness's legal rights. In the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subparagraph shall not be construed to excuse a witness from testifying in the event the witness's counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of a hearing or the taking of a deposition. This subparagraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

3. RECORD.—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings and depositions. If testimony given by deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee. The record of a witness's testimony, whether in public or executive session or in a deposition, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session, or that part of the testimony given by the witness in executive session or deposition and subsequently quoted or made part of the record in a public session, shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript.

The Chairman or a member of the Committee staff designated by the Chairman shall rule on such requests.

RULE VI—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

RULE VII—SUBCOMMITTEES

1. HEARINGS.—Any member of the Committee may sit with any subcommittee during its hearings.

2. CHANGE OF CHAIRMANSHIP.—Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ALEXANDER, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR–301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

A. will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

B. will relate solely to matters of the committee staff personnel or internal staff management or procedure;

C. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

D. will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

E. will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

F. may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the Members present so demand a roll call vote instead of a voice vote, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—AMENDMENTS

1. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Paragraph 1 of this Title shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

3. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE VI—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, the Committee on Small Business and Entrepreneurship today adopted rules

governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules adopted by the Committee on Small Business and Entrepreneurship.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADOPTED RULES FOR THE U.S. SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

JURISDICTION (ESTABLISHED IN THE SENATE STANDING RULES)

Per Rule XXV(1) of the Standing Rules of the Senate:

(o)(1) Committee on Small Business and Entrepreneurship to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration;

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Chair of the Committee on Small Business and Entrepreneurship, be referred to the Committee on Small Business and Entrepreneurship for its consideration of any portion of the measure dealing with the Small Business Administration and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

GENERAL SECTION

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Thursday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting or hearing, such member of the Committee as the Chair shall designate shall preside. For any meeting or hearing of the Committee, the Ranking Member may delegate to any Minority Member the authority to serve as Ranking Member, and that Minority Member shall be afforded all the rights and responsibilities of the Ranking Member for the duration of that meeting or hearing. Notice of any designation shall be provided to the Chief Clerk as early as practicable.

(b) it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless an electronic copy of such amendment has been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. Following receipt of all amendments, the Clerk shall disseminate the amendments to all Members of the Committee.

This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permittedin voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

HEARINGS

(a)(1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Subject to Senate Standing Rule 26(4)(d), such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

(f) Testimony may be submitted to the formal record for a period not less than two weeks following a hearing or roundtable, unless otherwise agreed to by Chair and Ranking Member.

CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

MEDIA & BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

SUBCOMMITTEES

The Committee shall not have standing subcommittees.

AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY RULES OF PROCEDURE

Ms. STABENOW. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted rules governing its procedures for the 112th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ROBERTS, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, today the Committee on Banking, Housing, and Urban Affairs adopted rules of procedure for the 112th Congress. I ask unanimous consent that the rules of procedure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2—COMMITTEE

[a] Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing via electronic mail or paper mail of the date, time, and place of such session and has been furnished a copy of the measure to be considered, in a searchable electronic format, at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

[a] Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one

Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

[a] Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.

2. Control of prices of commodities, rents, and services.

3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

TRIBUTE TO GERDA WEISSMAN KLEIN

Mr. REID. Mr. President, I rise today to honor Gerda Weissman Klein, Holocaust survivor and recipient of the Presidential Medal of Freedom.

We tell ourselves never to forget, and we implore our children to do the same. But we cannot do it alone.

We need to listen to those who remember not by choice, but because they can never forget what they saw and what they survived.

With each passing year, fewer and fewer of these witnesses remain. Even fewer of them speak English, or live in America, where we can hear their stories first hand. And fewer still are like Gerda Weissman Klein.

About a year and a half ago, Mrs. Klein and her son visited my office. I invited Senators LEVIN and CARDIN to join me. I will always remember one observation she offered.

I remember it because she didn't say it as though she were teaching a profound lesson, though it was profound. She didn't say it as though it was the most important message she came to deliver, but it has stayed with me to this day. She said it, incredibly, as an off-hand comment while we were just chatting.

Mrs. Klein said this: ''Surviving is an incredible privilege, but it is also a very deep responsibility.''

It was beyond humbling—that someone could see what she saw and lose what she lost and endure what she endured, and still maintain such perspective, and feel such responsibility.

Mrs. Klein continues to fulfill what she sees as her responsibility, sharing her story and teaching us about tolerance. That's why we fulfilled our responsibility to her—by recognizing her with highest honor our country can give civilians, the Presidential Medal of Freedom.

But more than that, we fulfill our responsibility by thanking her, by appreciating her and by listening to her—so that we will never forget what she cannot forget.

TRIBUTE TO BRIA BENJAMIN

Mr. REID. Mr. President, I rise today to honor Bria Benjamin, a fifth-grader at Forbuss Elementary School in Las Vegas.

Recently, Bria studied hard and recited Martin Luther King's ''I Have a Dream'' speech in celebration of Dr. King's 82nd birthday at a meeting of the Clark County Board of Commissioners. Bria perfectly conveyed the speech and even captured the powerful, emotional and cadenced performance of Dr. King.

I am proud of Bria and commend her stunning rendition of a speech that embodies such a significant time in our country's history. As we celebrate Black History month, we recognize the immense contributions African Americans have made to this country—from innovations in science and technology to accomplishments in the arts and culture to improvements in all of our communities.

HONORING OUR ARMED FORCES

SPECIALIST ETHAN C. HARDIN

Mr. BOOZMAN. Mr. President, I rise to honor the life of one of America's bravest killed in action in Afghanistan—SPC Ethan C. Hardin—a fallen hero who served our Nation in support of Operation Enduring Freedom.

Specialist Hardin, 22, grew up in Fayetteville, AR, where he graduated Fayetteville Christian Schools. His former principal, Kenny Francis, remembered Specialist Hardin's ''pleasant, likeable, gentle personality.''

His pastor remembers Specialist Hardin as an excellent young man who was very dedicated to Christ. He called Specialist Hardin ''gentle'' as well, saying he harbored no particular hostilities toward the enemy, but a strong desire to protect our country.

Specialist Hardin was a member of the 10th Mountain Division. He was killed when insurgents attacked his unit with an improvised explosive device and small arms fire. PFC Ira Laningham of Zapata, TX, also of the 10th Mountain Division, was also killed in the attack.

Mr. President, Specialist Hardin made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring his life and legacy. He is a true American hero.

SERGEANT ZAINAH CAYE CREAMER

Mr. President, I also rise to honor the life of one of America's bravest killed in action in Afghanistan—SGT Zainah Caye Creamer—a fallen hero who served our nation in support of Operation Enduring Freedom.

Sergeant Creamer, 28, was born in Texarkana, TX, and graduated from Arkansas High School in Texarkana, AR, where she was known for her generosity and kindness. Her friends and family say they will remember her lovely singing voice and her love of country, friends, family and fellow soldiers—including her K–9 partner, Jofa.

A soldier for more than 6 years, Sergeant Creamer was assigned to the 212th Military Police Detachment as an Army dog handler. She and her dog, Jofa, were assigned to check vehicles and facilities for explosives and were carrying out a route and clearance mission when the blast occurred.

She died of injuries sustained when an improvised explosive device detonated near her unit in Kandahar.

Mr. President, Sergeant Creamer made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring her life and legacy. She is a true American hero.

RELIGIOUS FREEDOM

Mr. HATCH. Mr. President, religious freedom is the first subject addressed in the First Amendment to the United States Constitution. In a pair of clauses that too often are divorced from each other, the Constitution prohibits Congress from making laws respecting an establishment of religion or prohibiting the free exercise of religion. Religious freedom has been a passion of mine throughout my service in the Senate and I intend to address this critical subject in a variety of ways during the 112th Congress. Today, I want to offer for my colleagues' consideration an important speech on religious freedom delivered two weeks ago at the Chapman University School of Law by Elder Dallin Oaks.

Elder Oaks serves in the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-Day Saints. He received his law degree from the University of Chicago, where he was Editor-in-Chief of the Chicago Law Review and where he would later teach after clerking for Supreme Court Chief Justice Earl Warren. He also served as President of Brigham Young University, Chairman of the Public Broadcasting Service, and as a Justice on the

Utah Supreme Court. Elder Oaks is one of the pre-eminent legal scholars of our time, and a man deeply schooled in the Constitution who dearly loves our country.

As Elder Oaks makes clear at the outset, this speech is not about particular religious doctrine but about religious freedom. In fact, he says that his intent is ''to contend for religious freedom.'' Contending for something is much more than simply talking about it, explaining it, or even advocating it. To contend for religious freedom is to strive earnestly for it, to struggle for it, even in the face of opposition. Religious freedom is that important.

So I ask unanimous consent to have this speech printed in the RECORD and ask my colleagues to read and consider it. The full printed version of this speech contains extensive footnotes which have been deleted here for ease of publication in the RECORD. But I note for my colleagues that the full text and notes may be found at the following Internet address: http://newsroom.lds.org/article/apostle-emphasizes-the-importance-of-religious-freedom-to-society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESERVING RELIGIOUS FREEDOM

(Elder Dallin H. Oaks, of the Quorum of the Twelve Apostles, Chapman University School of Law, Orange, California, Feb. 4, 2011)

I am here to speak of the state of religious freedom in the United States, why it seems to be diminishing, and what can be done about it.

Although I will refer briefly to some implications of the Proposition 8 controversy and its constitutional arguments, I am not here to participate in the debate on the desirability or effects of same-sex marriage. I am here to contend for religious freedom. I am here to describe fundamental principles that I hope will be meaningful for decades to come.

I believe you will find no unique Mormon doctrine in what I say. My sources are law and secular history. I will quote the words of Catholic, Evangelical Christian, and Jewish leaders, among others. I am convinced that on this issue what all believers have in common is far more important than their differences. We must unite to strengthen our freedom to teach and exercise what we have in common, as well as our very real differences in religious doctrine.

I.

I begin with a truth that is increasingly challenged: Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of special legal protection. I will cite a few examples.

Our nation's inimitable private sector of charitable works originated and is still furthered most significantly by religious impulses and religious organizations. I refer to such charities as schools and higher education, hospitals, and care for the poor, where religiously motivated persons contribute personal service and financial support of great value to our citizens. Our nation's incredible generosity in many forms of aid to other nations and their peoples are manifestations of our common religious faith that all peoples are children of God. Religious beliefs instill patterns of altruistic behavior.

Many of the great moral advances in Western society have been motivated by religious principles and moved through the public square by pulpit-preaching. The abolition of the slave trade in England and the Emancipation Proclamation in the United States are notable illustrations. These revolutionary steps were not motivated and moved by secular ethics or coalitions of persons who believed in moral relativism. They were driven primarily by individuals who had a clear vision of what was morally right and what was morally wrong. In our time, the Civil Rights movement was of course inspired and furthered by religious leaders.

Religion also strengthens our nation in the matter of honesty and integrity. Modern science and technology have given us remarkable devices, but we are frequently reminded that their operation in our economic system and the resulting prosperity of our nation rest on the honesty of the men and women who use them. Americans' honesty is also reflected in our public servants' remarkable resistance to official corruption. These standards and practices of honesty and integrity rest, ultimately, on our ideas of right and wrong, which, for most of us, are grounded in principles of religion and the teachings of religious leaders.

Our society is not held together just by law and its enforcement, but most importantly by voluntary obedience to the unenforceable and by widespread adherence to unwritten norms of right or righteous behavior. Religious belief in right and wrong is a vital influence to advocate and persuade such voluntary compliance by a large proportion of our citizens. Others, of course, have a moral compass not expressly grounded in religion. John Adams relied on all of these when he wisely observed that ''we have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.''

Even the agnostic Oxford-educated British journalist, Melanie Phillips, admitted that ''one does not have to be a religious believer to grasp that the core values of Western Civilization are grounded in religion, and to be concerned that the erosion of religious observance therefore undermines those values and the 'secular ideas' they reflect.''

My final example of the importance of religion in our country concerns the origin of the Constitution. Its formation over 200 years ago was made possible by religious principles of human worth and dignity, and only those principles in the hearts of a majority of our diverse population can sustain that Constitution today. I submit that religious values and political realities are so inter-linked in the origin and perpetuation of this nation that we cannot lose the influence of religion in our public life without seriously jeopardizing our freedoms.

Unfortunately, the extent and nature of religious devotion in this nation is changing. Belief in a personal God who defines right and wrong is challenged by many. ''By some counts,'' an article in The Economist declares, ''there are at least 500 [million] declared non-believers in the world—enough to make atheism the fourth-biggest religion.'' Others who do not consider themselves atheists also reject the idea of a supernatural power, but affirm the existence of some impersonal force and the value of compassion and love and justice.

Organized religion is surely on the decline. Last year's Pew Forum Study on Religion and Public Life found that the percentage of young adults affiliated with a particular religious faith is declining significantly. Scholars Robert Putnam and David Campbell have concluded that ''the prospects for religious observance in the coming decades are substantially diminished.''

Whatever the extent of formal religious affiliation, I believe that the tide of public opinion in favor of religion is receding. A writer for the Christian Science Monitor predicts that the coming century will be ''very secular and religiously antagonistic,'' with intolerance of Christianity ''ris[ing] to levels many of us have not believed possible in our lifetimes.''

A visible measure of the decline of religion in our public life is the diminished mention of religious faith and references to God in our public discourse. One has only to compare the current rhetoric with the major addresses of our political leaders in the 18th, 19th, and the first part of the 20th centuries. Similarly, compare what Lincoln said about God and religious practices like prayer on key occasions with the edited versions of his remarks quoted in current history books. It is easy to believe that there is an informal conspiracy of correctness to scrub out references to God and the influence of religion in the founding and preservation of our nation.

The impact of this on the rising generation is detailed in an Oxford University Press book, Souls in Transition. There we read: ''Most of the dynamics of emerging adult culture and life in the United States today seem to have a tendency to reduce the appeal and importance of religious faith and practice. . . . Religion for the most part is just something in the background.''

Granted that reduced religious affiliation puts religion ''in the background,'' the effect of that on the religious beliefs of young adults is still in controversy. The negative view appears in the Oxford book, whose author concludes that this age group of 18 to 23 ''had difficulty seeing the possible distinction between, in this case, objective moral truth and relative human invention. . . . [T]hey simply cannot, for whatever reason, believe in—or sometimes even conceive of—a given, objective truth, fact, reality, or nature of the world that is independent of their subjective self-experience.''

On the positive side, the Pew Forum study reported that over three-quarters of young adults believe that there are absolute standards of right and wrong. For reasons explained later, I believe this finding is very positive for the future of religious freedom.

II.

Before reviewing the effects of the decline of religion in our public life, I will speak briefly of the free exercise of religion. The first provision in the Bill of Rights of the United States Constitution is what many believe to be its most important guarantee. It reads: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.''

The prohibition against ''an establishment of religion'' was intended to separate churches and government, to forbid a national church of the kind found in Europe. In the interest of time I will say no more about the establishment of religion, but only concentrate on the First Amendment's direction that the United States shall have ''no law [prohibiting] the free exercise [of religion].'' For almost a century this guarantee of religious freedom has been understood as a limitation on state as well as federal power.

The guarantee of religious freedom is one of the supremely important founding principles in the United States Constitution, and it is reflected in the constitutions of all 50 of

our states. As noted by many, the guarantee's ''pre-eminent place'' as the first expression in the First Amendment to the United States Constitution identifies freedom of religion as ''a cornerstone of American democracy.'' The American colonies were originally settled by people who, for the most part, came to this continent for the freedom to practice their religious faith without persecution, and their successors deliberately placed religious freedom first in the nation's Bill of Rights.

So it is that our federal law formally declares: ''The right to freedom of religion undergirds the very origin and existence of the United States.'' So it is, I maintain, that in our nation's founding and in our constitutional order religious freedom and its associated First Amendment freedoms of speech and press are the motivating and dominating civil liberties and civil rights.

III.

Notwithstanding its special place in our Constitution, a number of trends are eroding both the protections the free exercise clause was intended to provide and the public esteem this fundamental value has had during most of our history. For some time we have been experiencing laws and official actions that impinge on religious freedom. In a few moments I will give illustrations, but first I offer some generalizations.

The free ''exercise'' of religion obviously involves both (1) the right to choose religious beliefs and affiliations and (2) the right to ''exercise'' or practice those beliefs without government restraint. However, in a nation with citizens of many different religious beliefs the right of some to act upon their religious beliefs must be qualified by the government's responsibility to further compelling government interests, such as the health and safety of all. Otherwise, for example, the government could not protect its citizens' persons or properties from neighbors whose religious principles compelled practices that threatened others' health or personal security. Government authorities have wrestled with this tension for many years, so we have considerable experience in working out the necessary accommodations.

The inherent conflict between the precious religious freedom of the people and the legitimate regulatory responsibilities of the government is the central issue of religious freedom. The problems are not simple, and over the years the United States Supreme Court, which has the ultimate responsibility of interpreting the meaning of the lofty and general provisions of the Constitution, has struggled to identify principles that can guide its decisions when a law or regulation is claimed to violate someone's free exercise of religion. As would be expected, many of these battles have involved government efforts to restrict the religious practices of small groups like Jehovah's Witnesses and Mormons. Recent experience suggests adding the example of Muslims.

Much of the controversy in recent years has focused on the extent to which state laws that are neutral and generally applicable can override the strong protections contained in the free exercise clause of the United States Constitution. As noted hereafter, in the 1990s the Supreme Court ruled that such state laws could prevail. Fortunately, in a stunning demonstration of the resilience of the guarantee of free exercise of religion, over half of the states have passed legislation or interpreted their state constitutions to preserve a higher standard for protecting religious freedom. Only a handful have followed the Supreme Court's approach that the federal free exercise protection must bow to state laws that are neutral as to religion.

Another important current debate over religious freedom concerns whether the guarantee of free exercise of religion gives one who acts on religious grounds greater protection against government prohibitions than are already guaranteed to everyone by other provisions of the constitution, like freedom of speech. I, of course, maintain that unless religious freedom has a unique position we erase the significance of this separate provision in the First Amendment. Treating actions based on religious belief the same as actions based on other systems of belief is not enough to satisfy the special guarantee of religious freedom in the United States Constitution. Religion must preserve its preferred status in our pluralistic society in order to make its unique contribution—its recognition and commitment to values that transcend the secular world.

Over a quarter century ago I reviewed the history and predicted the future of church/state law in a lecture at DePaul University in Chicago. I took sad notice of the fact that the United States Supreme Court had diminished the significance of free exercise by expanding the definition of religion to include what the Court called ''religions'' not based on belief in God. I wrote: ''The problem with a definition of religion that includes almost everything is that the practical effect of inclusion comes to mean almost nothing. Free exercise protections become diluted as their scope becomes more diffuse. When religion has no more right to free exercise than irreligion or any other secular philosophy, the whole newly expanded category of 'religion' is likely to diminish in significance.''

Unfortunately, the tide of thought and precedent seems contrary to this position. While I have no concern with expanding comparable protections to non-religious belief systems, as is done in international norms that protect freedom of religion or belief, I object to doing so by re-interpreting the First Amendment guarantee of free exercise of religion.

It was apparent twenty-five years ago, and it is undeniable today, that the significance of religious freedom is diminishing. Five years after I gave my DePaul lecture, the United States Supreme Court issued its most important free exercise decision in many years. In Employment Division v. Smith, the Court significantly narrowed the traditional protection of religion by holding that the guarantee of free exercise did not prevent government from interfering with religious activities when it did so by neutral, generally applicable laws. This ruling removed religious activities from their sanctuary—the preferred position the First Amendment had given them.

Now, over twenty years later, some are contending that a religious message is just another message in a world full of messages, not something to be given unique or special protection. One author takes the extreme position that religious speech should have even less protection. In Freedom from Religion, published by the Oxford University Press, a law professor makes this three-step argument:

1. In many nations ''society is at risk from religious extremism.''

2. ''A follower is far more likely to act on the words of a religious authority figure than other speakers.''

3. Therefore, ''in some cases, society and government should view religious speech as inherently less protected than secular political speech because of its extraordinary ability to influence the listener.''

The professor then offers this shocking conclusion:

''[W]e must begin to consider the possibility that religious speech can no longer hide behind the shield of freedom of expression. . . .

''Contemporary religious extremism leaves decision-makers and the public alike with no choice but to re-contour constitutionally granted rights as they pertain to religion and speech.''

I believe most thoughtful people would reject that extreme conclusion. All should realize how easy it would be to gradually manipulate the definition of ''religious extremism'' to suppress any unpopular religion or any unpopular preaching based on religious doctrine. In addition, I hope most would see that it is manifestly unfair and short-sighted to threaten religious freedom by focusing on some undoubted abuses without crediting religion's many benefits. I am grateful that there are responsible voices and evidence affirming the vital importance of religious freedom, worldwide.

When Cardinal Francis George, then President of the U.S. Conference of Catholic Bishops, spoke at Brigham Young University last year, he referred to ''threats to religious freedom in America that are new to our history and to our tradition.'' He gave two examples, one concerning threats to current religious-based exemptions from participating in abortions and the other ''the development of gay rights and the call for same-sex 'marriage.''' He spoke of possible government punishments for churches or religious leaders whose doctrines lead them to refuse to participate in government sponsored programs.

Along with many others, I see a serious threat to the freedom of religion in the current assertion of a ''civil right'' of homosexuals to be free from religious preaching against their relationships. Religious leaders of various denominations affirm and preach that sexual relations should only occur between a man and a woman joined together in marriage. One would think that the preaching of such a doctrinal belief would be protected by the constitutional guarantee of the free exercise of religion, to say nothing of the guarantee of free speech. However, we are beginning to see worldwide indications that this may not be so.

Religious preaching of the wrongfulness of homosexual relations is beginning to be threatened with criminal prosecution or actually prosecuted or made the subject of civil penalties. Canada has been especially aggressive, charging numerous religious authorities and persons of faith with violating its human rights law by ''impacting an individual's sense of self-worth and acceptance.'' Other countries where this has occurred include Sweden, the United Kingdom, and Singapore.

I do not know enough to comment on whether these suppressions of religious speech violate the laws of other countries, but I do know something of religious freedom in the United States, and I am alarmed at what is reported to be happening here.

In New Mexico, the state's Human Rights Commission held that a photographer who had declined on religious grounds to photograph a same-sex commitment ceremony had engaged in impermissible conduct and must pay over $6,000 attorney's fees to the same-sex couple. A state judge upheld the order to pay. In New Jersey, the United Methodist Church was investigated and penalized under state anti-discrimination law for denying same-sex couples access to a church-owned pavilion for their civil-union ceremonies. A federal court refused to give relief from the state penalties. Professors at state universities in Illinois and Wisconsin were fired or disciplined for expressing personal convictions that homosexual behavior is sinful. Candidates for masters' degrees in counseling in Georgia and Michigan universities were penalized or dismissed from programs

for their religious views about the wrongfulness of homosexual relations. A Los Angeles policeman claimed he was demoted after he spoke against the wrongfulness of homosexual conduct in the church where he is a lay pastor. The Catholic Church's difficulties with adoption services and the Boy Scouts' challenges in various locations are too well known to require further comment.

We must also be concerned at recent official expressions that would narrow the field of activities protected by the free exercise of religion. Thus, when President Obama used the words freedom of worship instead of free exercise of religion, a writer for the Becket Fund for Religious Liberty sounded this warning:

''To anyone who closely follows prominent discussion of religious freedom in the diplomatic and political arena, this linguistic shift is troubling.

''The reason is simple. Any person of faith knows that religious exercise is about a lot more than freedom of worship. It's about the right to dress according to one's religious dictates, to preach openly, to evangelize, to engage in the public square.''

Fortunately, more recent expressions by President Obama and his state department have used the traditional references to the right to practice religious faith.

Even more alarming are recent evidences of a narrowing definition of religious expression and an expanding definition of the so-called civil rights of ''dignity,'' ''autonomy,'' and'' self-fulfillment'' of persons offended by religious preaching. Thus, President Obama's head of the Equal Employment Opportunity Commission, Chai Feldblum, recently framed the issue in terms of a ''sexual-orientation liberty'' that is such a fundamental right that it should prevail over a competing ''religious-belief liberty.'' Such a radical assertion should not escape analysis. It has three elements. First, the freedom of religion—an express provision of the Bill of Rights that has been recognized as a fundamental right for over 200 years—is recast as a simple ''liberty'' that ranks among many other liberties. Second, Feldblum asserts that sexual orientation is now to be defined as a ''sexual liberty'' that has the status of a fundamental right. Finally, it is claimed that ''the best framework for dealing with this conflict is to analyze religious people's claims as 'belief liberty interest' not as free exercise claims under the First Amendment.'' The conclusion: Religious expressions are to be overridden by the fundamental right to ''sexual liberty.''

It is well to remember James Madison's warning: ''There are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.''

We are beginning to experience the expansion of rhetoric and remedies that seem likely to be used to chill or even to penalize religious expression. Like the professors in Illinois and Wisconsin and the lay clergyman in California, individuals of faith are experiencing real retribution merely because they seek to express their sincerely held religious beliefs.

All of this shows an alarming trajectory of events pointing toward constraining the freedom of religious speech by forcing it to give way to the ''rights'' of those offended by such speech. If that happens, we will have criminal prosecution of those whose religious doctrines or speech offend those whose public influence and political power establish them as an officially protected class.

Closely related to the danger of criminal prosecutions are the current arguments seeking to brand religious beliefs as an unacceptable basis for citizen action or even for argument in the public square. For an example of this we need go no further than the district court's opinion in the Proposition 8 case, Perry v. Schwarzenegger.

A few generations ago the idea that religious organizations and religious persons would be unwelcome in the public square would have been unthinkable. Now, such arguments are prominent enough to cause serious concern. It is not difficult to see a conscious strategy to neutralize the influence of religion and churches and religious motivations on any issues that could be characterized as public policy. As noted by John A. Howard of the Howard Center for Family, Religion and Society, the proponents of banishment ''have developed great skills in demonizing those who disagree with them, turning their opponents into objects of fear, hatred and scorn.'' Legal commentator Hugh Hewitt described the current circumstance this way:

''There is a growing anti-religious bigotry in the United States. . . .

''For three decades people of faith have watched a systematic and very effective effort waged in the courts and the media to drive them from the public square and to delegitimize their participation in politics as somehow threatening.''

The forces that would intimidate persons with religious-based points of view from influencing or making the laws of their state or nation should answer this question: How would the great movements toward social justice cited earlier have been advocated and pressed toward adoption if their religious proponents had been banned from the public square by insistence that private religious or moral positions were not a rational basis for public discourse?

We have already seen a significant deterioration in the legal position of the family, a key institution defined by religious doctrine. In his essay ''The Judicial Assault on the Family,'' Allan W. Carlson examines the ''formal influence of Christianity'' on American family law, citing many state and United States Supreme Court decisions through the 1950s affirming the fundamental nature of the family. He then reviews a series of decisions beginning in the mid-1960s that gave what he calls ''an alternate vision of family life and family law.'' For example, he quotes a 1972 decision in which the Court characterized marriage as ''an association of two individuals each with a separate intellectual and emotional makeup.'' ''Through these words,'' Carlson concludes, ''the U.S. Supreme Court essentially enlisted in the Sexual Revolution.'' Over these same years, ''the federal courts also radically altered the meaning of parenthood.''

I quote Carlson again:

''The broad trend has been from a view of marriage as a social institution with binding claims of its own and with prescribed rules for men and women into a free association, easily entered and easily broken, with a focus on the needs of individuals. However, the ironical result of so expanding the 'freedom to marry' has been to enhance the authority and sway of government.''

''As the American founders understood, marriage and the autonomous family were the true bulwarks of liberty, for they were the principal rivals to the state. . . . And surely, as the American judiciary has deconstructed marriage and the family over the last 40 years, the result has been the growth of government.''

All of this has culminated in attempts to redefine marriage or to urge its complete abolition. The debate continues in the press and elsewhere.

IV.

What has caused the current public and legal climate of mounting threats to religious freedom? I believe the cause is not legal but cultural and religious. I believe the diminished value being attached to religious freedom stems from the ascendency of moral relativism.

More and more of our citizens support the idea that all authority and all rules of behavior are man-made and can be accepted or rejected as one chooses. Each person is free to decide for himself or herself what is right and wrong. Our children face the challenge of living in an increasingly godless and amoral society.

I have neither the time nor the expertise to define the various aspects of moral relativism or the extent to which they have entered the culture or consciousness of our nation and its people. I can only rely on respected observers whose descriptions feel right to me.

In his book, Modern Times, the British author, Paul Johnson, writes: ''At the beginning of the 1920s the belief began to circulate, for the first time at a popular level, that there were no longer any absolutes: of time and space, of good and evil, of knowledge, above all of value.''

On this side of the Atlantic, Gertrude Himmelfarb describes how the virtues associated with good and evil have been degraded into relative values.

A variety of observers have described the consequences of moral relativism. All of them affirm the existence of God as the Ultimate Law-giver and the source of the absolute truth that distinguishes good from evil.

Rabbi Harold Kushner speaks of God-given ''absolute standards of good and evil built into the human soul.'' He writes: ''As I see it, there are two possibilities. Either you affirm the existence of a God who stands for morality and makes moral demands of us, who built a law of truthfulness into His world even as He built in a law of gravity. . . . Or else you give everyone the right to decide what is good and what is evil by his or her own lights, balancing the voice of one's conscience against the voice of temptation and need. . . .''

Rabbi Kushner also observes that a philosophy that rejects the idea of absolute right and wrong inevitably leads to a deadening of conscience. ''Without God, it would be a world where no one was outraged by crime or cruelty, and no one was inspired to put an end to them. . . . [T]here would be no more inspiring goal for our lives than self-interest. . . . Neither room nor reason for tenderness, generosity, helpfulness.''

Dr. Timothy Keller, a much-published pastor in New York, asks:

''What happens if you eliminate anything from the Bible that offends your sensibility and crosses your will? If you pick and choose what you want to believe and reject the rest, how will you ever have a God who can contradict you? You won't!. . . .

''Though we have been taught that all moral values are relative to individuals and cultures, we can't live like that. In actual practice we inevitably treat some principles as absolute standards by which we judge the behavior of those who don't share our values. . . . People who laugh at the claim that there is a transcendent moral order do not think that racial genocide is just impractical or self-defeating, but that it is wrong. . . .''

My esteemed fellow Apostle, Elder Neal A. Maxwell, asked: ''[H]ow can a society set priorities if there are no basic standards? Are we to make our calculations using only the arithmetic of appetite?''

He made this practical observation: ''Decrease the belief in God, and you increase the

numbers of those who wish to play at being God by being 'society's supervisors.' Such 'supervisors' deny the existence of divine standards, but are very serious about imposing their own standards on society.''

Elder Maxwell also observed that we increase the power of governments when people do not believe in absolute truths and in a God who will hold them and their government leaders accountable.

Moral relativism leads to a loss of respect for religion and even to anger against religion and the guilt that is seen to flow from it. As it diminishes religion, it encourages the proliferation of rights that claim ascendency over the free exercise of religion.

The founders who established this nation believed in God and in the existence of moral absolutes—right and wrong—established by this Ultimate Law-giver. The Constitution they established assumed and relied on morality in the actions of its citizens. Where did that morality come from and how was it to be retained? Belief in God and the consequent reality of right and wrong was taught by religious leaders in churches and synagogues, and the founders gave us the First Amendment to preserve that foundation for the Constitution.

The preservation of religious freedom in our nation depends on the value we attach to the teachings of right and wrong in our churches, synagogues and mosques. It is faith in God—however defined—that translates these religious teachings into the moral behavior that benefits the nation. As fewer and fewer citizens believe in God and in the existence of the moral absolutes taught by religious leaders, the importance of religious freedom to the totality of our citizens is diminished. We stand to lose that freedom if many believe that religious leaders, who preach right and wrong, make no unique contribution to society and therefore should have no special legal protection.

V. CONCLUSION

I have made four major points:

1. Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of their special legal protection.

2. Religious freedom undergirds the origin and existence of this country and is the dominating civil liberty.

3. The guarantee of free exercise of religion is weakening in its effects and in public esteem.

4. This weakening is attributable to the ascendancy of moral relativism.

We must never see the day when the public square is not open to religious ideas and religious persons. The religious community must unite to be sure we are not coerced or deterred into silence by the kinds of intimidation or threatening rhetoric that are being experienced. Whether or not such actions are anti-religious, they are surely anti-democratic and should be condemned by all who are interested in democratic government. There should be room for all good-faith views in the public square, be they secular, religious, or a mixture of the two. When expressed sincerely and without sanctimoniousness, the religious voice adds much to the text and tenor of public debate. As Elder Quentin L. Cook has said: ''In our increasingly unrighteous world, it is essential that values based on religious belief be part of the public discourse. Moral positions informed by a religious conscience must be accorded equal access to the public square.''

Religious persons should insist on their constitutional right and duty to exercise their religion, to vote their consciences on public issues, and to participate in elections and in debates in the public square and the halls of justice. These are the rights of all citizens and they are also the rights of religious leaders and religious organizations. In this circumstance, it is imperative that those of us who believe in God and in the reality of right and wrong unite more effectively to protect our religious freedom to preach and practice our faith in God and the principles of right and wrong He has established.

This proposal that we unite more effectively does not require any examination of the doctrinal differences among Christians, Jews, and Muslims, or even an identification of the many common elements of our beliefs. All that is necessary for unity and a broad coalition along the lines I am suggesting is a common belief that there is a right and wrong in human behavior that has been established by a Supreme Being. All who believe in that fundamental should unite more effectively to preserve and strengthen the freedom to advocate and practice our religious beliefs, whatever they are. We must walk together for a ways on the same path in order to secure our freedom to pursue our separate ways when that is necessary according to our own beliefs.

I am not proposing a resurrection of the so-called ''moral majority,'' which was identified with a particular religious group and a particular political party. Nor am I proposing an alliance or identification with any current political movement, tea party or other. I speak for a broader principle, nonpartisan and, in its own focused objective, ecumenical. I speak for what Cardinal Francis George described in his address at Brigham Young University, just a year ago. His title was ''Catholics and Latter-day Saints: Partners in the Defense of Religious Freedom.'' He proposed ''that Catholics and Mormons stand with one another and with other defenders of conscience, and that we can and should stand as one in the defense of religious liberty. In the coming years, interreligious coalitions formed to defend the rights of conscience for individuals and for religious institutions should become a vital bulwark against the tide of forces at work in our government and society to reduce religion to a purely private reality. At stake is whether or not the religious voice will maintain its right to be heard in the public square.''

We join in that call for religious coalitions to protect religious freedom. In doing so we recall the wisdom of Benjamin Franklin. At another critical time in our nation's history, he declared: ''We must all hang together, or assuredly we shall all hang separately.''

In conclusion, as an Apostle of the Lord Jesus Christ I affirm His love for all people on this earth, and I affirm the importance His followers must attach to religious freedom for all people—whatever their beliefs. I pray for the blessings of God upon our cooperative efforts to preserve that freedom.

TRIBUTE TO JERRY SLOAN

Mr. HATCH. Mr. President, on February 11, 2011, the people of Utah received of some very bad news. On that day, Jerry Sloan announced that he was resigning his position as head coach of the Utah Jazz. Jerry is one of the most respected figures in all of sports, a Hall of Famer, and, for the people of Utah, an irreplaceable icon. He will most certainly be missed.

Coach Sloan was born and raised in rural Illinois. He played college ball at the University of Evansville. And, although he began his career in the NBA with the Baltimore Bullets, he will always be remembered for his years with the Chicago Bulls. Few probably remember that Jerry was, in fact, the first member of the Bulls' team, having been selected in the expansion draft prior to the team's first season in the NBA. Throughout his playing career, he was known as ''The Original Bull.''

As a player, Sloan was known for his tenacity on defense, his unmatched toughness, and his no-nonsense nature. Over the course of his career with the Bulls, he played in two All-Star Games, was named to the NBA All-Defensive First Team four times and the All-Defensive Second Team twice. After his retirement, the Bulls retired Sloan's jersey, the first jersey retirement in the history of the franchise.

After his playing days were over, Jerry joined the Bull's coaching staff, starting out as a scout, eventually working his way up to head coach, a position he held for three seasons. He joined the Jazz coaching staff a few years later as an assistant coach. In 1988, Jerry was named head coach of the Jazz, and he stayed in that position up until last week.

Jerry Sloan was the coach of the Jazz for 23 years. That is simply remarkable, not only in the modern NBA era but in the history of professional basketball. The NBA has seen a number of great coaches in its history, but none have coached the same team as long as Jerry Sloan coached the Jazz.

Coach Sloan's success is even more remarkable than his longevity. In the 23 seasons Jerry coached, the Jazz finished with a losing record only one time. The team was in the playoffs in all but three of those seasons, and they reached the NBA Finals twice, in 1997 and 1998. Jerry finished his career third on alltime wins list. He holds the record for most wins with a single team. No other NBA coach in history has even approached 1,000 wins with one team. Jerry won 1,127 as coach of the Jazz.

However, while Jerry has amassed an impressive pile of statistics, that is not what he will be remembered for. For fans of the Jazz and, indeed, for basketball fans everywhere, Jerry Sloan was the personification of old-fashioned values. As a longtime fan of the Jazz, I have always reveled in the fact that my favorite team has continuously been praised for its efficiency, discipline, and fundamentals. These have been the hallmarks of Utah Jazz basketball, and that is a direct reflection of Jerry Sloan. In an industry filled with agents, bright lights, and endless promotion, Jerry Sloan's Jazz were living proof that hard work and professionalism could trump market size and national popularity. In many ways, I think Utahns see the Jazz as a reflection of their own values and aspirations, and that is due, in large part, to the character of Coach Sloan.

Jerry was never one to seek after accolades or personal attention during his career. For him, basketball was a job, and he was a consummate professional. He was brutally honest when

necessary and took responsibility when things didn't go the team's way. No one ever heard an excuse from Jerry Sloan.

Mr. President, I have known Jerry Sloan for a number of years. Quite simply, he is a class act. I think you have to spend some time in Utah to know just what Jerry Sloan has meant to our community. I want thank Jerry for all he has done for the State of Utah, and I wish him and his family the best of luck in all their future endeavors.

REMEMBERING GUISEPPE GARIBALDI

Mr. ENZI. Mr. President, I rise today to talk about the American dream and honoring those who have not only embodied a pioneering spirit, but more specifically, one individual who inspired two nations through his passionate leadership, and through his dedication to family and pride in tradition.

Italian-American Guiseppe Garibaldi lived and fought for the dream of creating his own destiny. All too often today we give little thought to the freedom of deciding who we are, to deciding what we want to be even how and where we raise a family and practice our faith. However, 150 years ago, these decisions meant the world to Mr. Garibaldi.

Giuseppe Garibaldi was born in Nice, Italy, on July 4, 1807. In his early twenties, Mr. Garibaldi continued his family's coastal trade business and answered a call of duty to enlist in the military. At the age of 25, Garibaldi's budding leadership was recognized and he was commissioned as a merchant marine captain.

Throughout Central and South America, he fought in independence struggles leading the Italian Legion. His success earned him the title ''Hero of Two Worlds'' from the people of Italy and Uruguay. Garibaldi continued to foster his passionate beliefs and soon after leaving South America began learning English and applied for citizenship in America. His request was granted and Garibaldi settled in New York among other notable Italian minds of the time. Not only did he become a community leader for Italian Americans living in Staten Island, he encouraged fellow immigrants to work hard for their dreams and to create true communities with their neighbors, while still embracing family and traditions from Italy.

After his time living in the United States, Garibaldi was called upon again to be a military leader. He led the troops at Risorgimento that fought to unite a divided Italy and succeeded in their mission in 1861. This man's great works and leadership helped shift Italy from a dynastic tyranny to a time of political self-determination.

Because of this extraordinary accomplishment, President Abraham Lincoln offered Garibaldi a position as Major General of the Union Army. Although Garibaldi declined the impressive commission, the 39th New York Infantry was still known afterward as ''The Garibaldi Guard''—where Italian-Americans fought alongside fellow soldiers to protect the America they loved.

Giuseppe Garibaldi was not just a soldier though. He was a husband, father and an active free mason who believed that people should unite as brothers within a nation and as a global community. He encouraged fellow immigrants to persevere through hope and hard work and to be proud of their Italian roots.

As an Italian American, I am proud of my heritage and this is why yesterday I introduced a bill today to posthumously award the Congressional Gold Medal to Giuseppe Garibaldi for his life's passions and accomplishments. My bill also commemorates the 150th anniversary of the Republic of Italy, which will be celebrated across Italy and the United States on March 17, 2011. Thank you to Congressman MICHAEL GRIMM of New York who is introducing the bill in the U.S. House of Representatives. It is my hope that this legislation will challenge us all to pause and reflect on the pioneering spirit, family and traditions that have made this great country what it is today.

TAA AND ATPA

Mrs. HAGAN. Mr. President, I rise today to urge the Senate to quickly pass a long-term extension of the Trade Adjustment Assistance, TAA, program for workers, as well as the Andean Trade Preference program. These programs make our workforce more competitive in the global marketplace and support jobs in North Carolina.

Both are critical Federal programs to North Carolina, and both expired this past Saturday.

North Carolina's workforce has been particularly hard hit as manufacturing has suffered, factories have closed, and companies have moved operations overseas.

The TAA program for workers offers benefits, including job retraining, to workers displaced by imports or a shift of production to other countries. Once a laid-off worker has exhausted State unemployment benefits, he or she can qualify to receive supplemental benefits under TAA.

These include weekly cash payments equal to unemployment benefits. To qualify, the worker must be involved in job retraining.

TAA payments can last for 52 weeks if a worker is in job training and 26 weeks more if a worker needs remedial education.

Many North Carolinians who have lost their jobs through no fault of their own have turned to our network of affordable community colleges to retool their skills.

Yesterday, I met with trustees for the North Carolina Community College System, which is among the best in the Nation.

These leaders told me how valuable it is for these laid-off workers to get a community college education and gain the necessary skills to be competitive in today's job market.

I agree wholeheartedly. Since coming to the Senate I have advocated to expand and enhance the TAA program for workers. In the American Recovery and Reinvestment Act, we significantly enhanced TAA programs by expanding eligibility and increasing the training funds available to States by 160 percent, or $575 million per fiscal year.

Earlier this month, I was among a group of Senators who sent a letter to leaders in the House of Representatives asking that they quickly introduce and pass a long-term extension of TAA, which is something they did in a bipartisan way last December.

Since Congress expanded this crucial program, over 17,000 North Carolinians have been certified for assistance under TAA.

Last year, displaced workers in North Carolina received over $56 million through TAA—the second largest amount given to a single State to help workers develop new skills and find new jobs.

Though we are making progress in turning around our economy, that doesn't mean much if you are one of the 430,000 North Carolinians still out of work.

One North Carolinian, Wayne Kizewski, is 42 years old and 2 years ago lost his job at a Cary company that molded plastic parts for Chrysler. Wayne used the TAA program to go back to school at Wake Technical Community College to study information systems.

Wayne was also able to receive help from the TAA program to pay for 80 percent of his health insurance premiums, including coverage for his 5-year-old son.

I hear from business owners all the time who tell me that workers in North Carolina have a work ethic that is second to none. When these men and women lose their jobs through no fault of their own they are determined to continue providing for their families, and this program allows them to go back to school and retool their skills for the 21st-century economy.

With our State's excellent community colleges, we can get our workforce prepared to lead the way in emerging industries.

The TAA program for workers is essential to maintaining our Nation's global competitiveness and supporting workers in North Carolina and across the country.

I would also like to address the Andean Trade Preference program.

I know my colleagues from Arizona and Ohio were on the floor earlier discussing both TAA and the Andean Trade Preference program.

I know that extending this program is important to my friends on the other side of the aisle. It is important to me too as this program has an impact on jobs in North Carolina.

For example, one of the products eligible for preferential treatment under this agreement is apparel made of U.S. combed-cotton yarn, much of which is made by workers in North Carolina.

In fact, one North Carolina company, Parkdale Mills, exports 1 million pounds of cotton yarn annually that is valued at $2 million.

These exports support more than 100 jobs in North Carolina.

Earlier this week I received a letter from the CEO of Parkdale Mills. He wrote, ''a lapse of duty free benefits, even if a short period of time, is catastrophic to our business.''

Over the last 4 years, the Andean program has been extended or renewed three different times, often at the last minute.

American firms doing business in the Andean region do not know from year to year whether they will pay duties or not. That is no way to run a business.

So I agree with my colleague, the senior Senator for Arizona, that a long-term extension of this program is important.

I believe we should be able to extend both of these programs, TAA and ATPA, together. I know that my colleague from Pennsylvania, Senator CASEY, made a number of unanimous consent requests last week to do just that. The bill that Senator BROWN asked consent to pass earlier would provide an 18 month extension of both programs.

Mr. President, these programs have bipartisan support. Workers and businesses need the certainty and support they provide. We should extend them as soon as possible.

150TH ANNIVERSARY OF THE DAKOTA TERRITORY

Mr. THUNE. Mr. President, today I wish to recognize the formation of the Dakota Territory. It was on February 26, 1861, that the Senate passed the legislation creating the territory. In the year of the 150th anniversary, I would like to honor the dedication of those who made this status a reality.

Dr. J.M. Staples of Dubuque, IA, paved the way to develop the Dakota region, leading the new settlers to desire territorial status.

When Minnesota became a State on May 23, 1857, the Dakota area was left without a form of government. Therefore, the settlers unprecedentedly created a provisional government in October of 1858, including electing Henry Masters as Governor and in the autumn of 1859 nominating the Honorable J.P. Kidder as delegate to Congress.

Congress continued to thwart desired territorial status as U.S. Senator Fitch in December 1858, Senator James I. Green on January 29, 1859, and House Representative Alexander II Stevens on February 4, 1859, assertively introduced bills, all of which failed.

Senator Green would not be deterred and continued to push for the creation of the territory, introducing another bill on February 14, 1861. His persistence resulted in the passage of the act. This bill successfully passed in the Senate on February 26, the House on March 1, and President James Buchanan signed it into law less than 48 hours before his term ended on March 2.

After taking office, President Abraham Lincoln had the honor of appointing the first Governor to the territory, Dr. William Jayne of Springfield, IL, a personal friend of his. General J.B.S. Todd, a relative of Mrs. Lincoln, became the first officially recognized territorial delegate to Congress.

I would like to posthumously recognize the efforts of those who worked to secure the designation of the Dakota Territory. For it is through their labor that eventually on November 2, 1889, the Dakota Territory became, in part, the State of South Dakota of which I am proud to be a citizen.

SPECIAL AGENT JAIME J. ZAPATA AND SPECIAL AGENT VICTOR AVILA

Mr. LIEBERMAN. Mr. President, as chairman of the Senate Committee on Homeland Security and Governmental Affairs, I rise to express my deepest sorrow about a tragic attack on American law enforcement that happened earlier this week in Mexico.

On Tuesday afternoon, two agents from U.S. Immigration and Customs Enforcement were attacked by unknown individuals while driving between Mexico City and Monterrey, Mexico. Today, I honor the incredible sacrifice of Special Agent Jaime J. Zapata, who lost his life in service of our country, and Special Agent Victor Avila, who is recovering from injuries from the shooting.

Special Agent Zapata joined ICE in 2006. He joined one of ICE's offices in Laredo, TX, where he served on the Human Smuggling and Trafficking Unit, as well as the Border Enforcement Security Task Force. He was most recently detailed to ICE's Attache office in Mexico City. He began his Federal law enforcement career with the Department of Homeland Security as a member of the U.S. Border Patrol in Yuma, AZ. A native of Brownsville, TX, Special Agent Zapata graduated from the University of Texas at Brownsville in 2005 with a bachelor of science in criminal justice.

My thoughts and prayers are with Special Agent Avila as he recovers.

These two brave agents gave their all to shield others from harm. They worked tirelessly against dangerous criminal elements. They bravely took dangerous assignments, ultimately making a profound sacrifice.

They were two of the hundreds of ICE personnel around the globe. Honorable agents like these two individuals collaborate with their counterparts in joint efforts to dismantle transnational criminal organizations. Agents like them give their all day in and day out on fighting money laundering, contraband smuggling, weapons proliferation, forced child labor, human rights violations, intellectual property violations, child exploitation, and human smuggling and trafficking.

An incident like this serves to remind us all as a nation how grateful we are for the sacrifices made by these brave men and women every day. The work they do serves to make the public safe and protect the Nation's security.

I have been in contact with law enforcement, and I know that they are working closely with the authorities in Mexico to ensure that the perpetrators of this horrible attack on American law enforcement are brought to justice as quickly as possible.

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

And a message for Special Agent Avila. I think I speak for a nation when I say that I hope, and pray, for your recovery. Words cannot express our thanks for your service.

HONORING THE USS ''MOUNT HOOD'' (AE–11)

Mr. NELSON of Florida. Mr. President, on August 21, 1944, laden with precious cargo for the Pacific theatre, the USS *Mount Hood*, the lead ship of her class for the U.S. Navy, departed Norfolk on her first mission. On board were 296 sailors and 22 officers.

The USS *Mount Hood* reached Manus Island, a province of Papua, New Guinea, on September 22 and commenced with dispensing ammunition and explosives to ships preparing for the Philippine offensive. On the morning of November 10, 1944, a young Naval Reserve lieutenant and 17 enlisted men climbed over the side of the USS *Mount Hood* and boarded boats to go ashore. After reaching the beach, they saw an enormous flash followed by two explosions, and the men were knocked to the ground. They scrambled back to the boats and headed to where the *Mount Hood* had been anchored, but found only debris where the ship had once been. The entire ship, and all aboard, were gone.

Over 400,000 Americans lost their lives in World War II. In the deserts of North Africa, the jungles of the Pacific islands, on the beaches in Normandy, and everywhere in between, these brave men and women sacrificed their lives to preserve the freedom and individual liberties we all enjoy. We owe them all an immense debt of gratitude for the sacrifices they made to defend our Nation. They should never be forgotten.

The only surviving officer of the USS *Mount Hood*, LT Lester Wallace, is now 95 years old and resides in Pensacola, FL. While we mourn those who gave their lives to the cause of freedom, we must also remember to celebrate the service and sacrifice of those who survived. I am extremely proud of the

service Lieutenant Wallace rendered to our country as a Navy officer, and later as a civilian. On behalf of the people of Florida and our Nation, I thank Lieutenant Wallace—and all those who have served and continue to serve—for their sacrifice and service.

TRIBUTE TO MAJOR GENERAL GREGORY L. WAYT

Mr. BROWN of Ohio. Mr. President, today I recognize the distinguished military service of MG General Gregory L. Wayt who recently retired from military service after nearly four decades of preserving our Nation's safety and security.

A strong leader with an unyielding call to service and duty to State and Nation, Major General Wayt embodies the character, discipline, and humility that rank him among Ohio's great adjutant generals.

For more than 6 years as the Adjutant General of Ohio, he commanded five brigade-size Army units with more than 11,000 troops and four flying wings and seven nonflying units from Ohio's Air Guard with more than 5,000 additional troops.

During some of the Guard's most challenging times, Major General Wayt's leadership ensured the preparedness of the more than 18,000 Ohio National Guardmembers who served in Iraq and Afghanistan during his tenure, as well as those preparing for overseas contingency operations.

His command also meant Ohio Guardmembers were first on the ground for State emergencies and disasters including flood and winter storm relief from Toledo to Belmont, and in the relief efforts on the gulf coast following hurricanes Katrina and Rita in 2005 and Gustav and Ike in 2008. The Ohio National Guard also had the first C–130 cargo plane on the ground providing critical relief after the Haitian earthquake in 2010.

Under his day-to-day management of the Ohio National Guard—from ensuring the readiness of Guardmembers and weapon systems to the securing fiscal and property resources—Major General Wayt ensured Ohio remained at the top of readiness ranks for our country's National Guards.

Maintaining one of the Nation's premier National Guards also required Major General Wayt's professionalism to maintain the relationship between our military command and civilian leaders. Throughout his service as the Adjutant General of Ohio, he was a trusted national security advisor for two Governors from both parties. He was a valuable resource for all members of the Ohio congressional delegation—always just a phone call away to provide his counsel and recommendations.

As a result of his tireless leadership, Major General Wayt helped save two Air National Guard bases in Ohio and the communities that rely upon them. The Springfield and Mansfield Air National Guard Bases remain critical to our national security and to their local economies because of Major General Wayt's fierce loyalty to those he represents and leads under his command.

He also prioritized the retention of talented officers to ensure the organization developed qualified servicemembers for senior leadership positions. One of the ways Major General Wayt accomplished this was by improving the retirement benefits available to Guardmembers.

Because of his input and that of other Guard leaders, the National Guard and Reserve Retirement Parity Act was signed into law by President Obama to restore parity in retirement benefits. This bill is law because Major General Wayt understood that talented Guardmembers should have the resources and benefits deserving of their sacrifice.

He also understood the importance of international collaboration and coordination. He continued the success of the State Partnership Program with Hungary and Serbia, which was created to link National Guard States and territories with partner countries to foster long-term relationships across all levels of society and to establish the importance of the rule of law in nations seeking the highest democratic values and ideals.

As a leader of Ohio's citizen-soldiers and citizen-Airmen—war fighters, peacekeepers, and guardians of America's ideals of democracy and freedom—Major General Wayt received the admiration of his peers as President of the Adjutants General Association of the United States.

Yet regardless of medals earned and awards received, this great son of Ohio remained grounded in a classic Midwestern work ethic. From his early education in Columbus public schools and Columbus Northland High School to formative years at the Ohio State University as an ROTC student to the University of Dayton, Army Command and General Staff College, and Army War College as a graduate student and senior commander—Greg Wayt symbolizes a dedication to service and sacrifice, and to State and country that deserves a heartfelt thanks from all Ohioans.

But he would be the first to tell you that any professional accomplishment was made possible only by the personal sacrifice of his wife Deborah and daughter Lindsey. The sacrifices of military families deserve our Nation's highest praise—my deepest thank you to Deborah and Lindsey and the Wayt family for sharing their husband, father, and patriarch with a grateful State and Nation.

For all the achievements throughout his career, Major General Wayt will always be first and foremost a field commander and remembered by his troops as one of their own. Congratulations, MG Gregory L. Wayt for 35 years of service to your Nation.

On behalf of a grateful State, I thank you and wish you well upon your retirement.

TRIBUTE TO AMBASSADOR RAYMOND L. FLYNN

Mr. BROWN of Massachusetts. Mr. President, today I rise to honor Ambassador Raymond L. Flynn in recognition of the retirement of his basketball jersey at his alma mater, Providence College. On Saturday night, the Friars will pay tribute to Ambassador Flynn, a 1963 graduate of the college. Ambassador Flynn is one of the greatest backcourt players in the storied history of the Providence College basketball program. Over his 82-game career, the Ambassador scored 1,025 points. Prior to the Friars' game against the Cincinnati Bearcats at the Dunkin' Donuts Center on Saturday, the college will unveil a banner bearing Ambassador Flynn's No. 14 jersey hanging from the rafters.

A longtime South Boston resident, Ambassador Flynn compiled an impressive list of achievements during his time as a Providence Friar, including two National Invitation Tournament championships in 1961 and 1963. He earned the Most Valuable Player award for his performance in the 1963 tournament. During his junior season, Ambassador Flynn averaged 12.8 points per game and received All-East honors. A skilled outside shooter, the Ambassador increased his average to 18.9 points per game during his senior year, meriting his second All-East distinction, an All-New England award, and Academic All-America honors. Following his graduation, the Ambassador very nearly joined his hometown team, the Boston Celtics.

Following his noteworthy accomplishments as a collegiate student-athlete, Ambassador Flynn embarked upon a distinguished political career. In 1971, the Ambassador won a seat to represent his South Boston community as a member of the Massachusetts House of Representatives and served at the State house until 1979. Ambassador Flynn subsequently served South Boston as a member of the Boston City Council. After 4 years as a city councilor, Ambassador Flynn ran successfully to become mayor of Boston in 1983. He won reelection in 1987 and 1991. In a 2001 interview, Ambassador Flynn lightheartedly remarked, ''As a young kid growing up on the streets of South Boston, everybody wanted to be President of the United States or Mayor of Boston.''

Part way through the Ambassador's third term as mayor of Boston, President Bill Clinton called on him to serve as Ambassador to the Holy See. Ambassador Flynn embraced the opportunity to represent the United States at the Vatican. By the time he left this post in 1997, Ambassador Flynn had cultivated a close working relationship with Pope John Paul II, whom he had

first met in 1969 during his State representative campaign. The Ambassador's friendship with Pope John Paul II led him to author two books: ''The Accidental Pope,'' a novel cowritten with Robin Moore, and a memoir titled ''Pope John Paul II: A Personal Portrait of the Pope and the Man.''

Today, I am proud to salute Ambassador Raymond L. Flynn's accomplishments as a collegiate student-athlete in addition to his achievements as a public servant, diplomat, and devoted husband and father. I am also proud to call him my friend. When Ambassador Flynn sees his jersey hanging high above the court for the first time on Saturday night, I am sure the crowd will give this accomplished son of Massachusetts a standing ovation.

TRIBUTE TO RACHEL BAILEY

● Mr. KERRY. Mr. President, every day in the Senate we owe an enormous amount of gratitude to our staff and to the staff here on the floor which work long hours—often behind the scenes and away from the headlines—to make possible the smooth functioning of this institution.

Today I would like to offer particular gratitude for one of the Senate pages who was among the youngest members of that extraordinary and unheralded team—a page I was privileged to sponsor here, 16-year-old Rachel Bailey from Glendale, MD.

Rachel found herself serving as a page during last year's lameduck session—one of a pair of the only Senate pages, in fact, on hand during that historically busy period.

As we know, typically, the Senate has 30 pages working at any given time. And with 100 Senators, the pace can get pretty hectic.

So imagine how hectic it became for Rachel when the rest of her page class went home for the holidays, leaving her and one fellow page to handle all the page duties in what proved to be an extremely productive and busy session.

Together they handled it all with a smile, carrying the workload of 30 pages and never missing a beat, even though it meant no days off and working up to 14 hours each day. And Rachel did so in a manner that was calm, professional and bipartisan, working with both the Democratic and Republican cloakrooms.

Pages play an important role in the daily operation of the Senate. They deliver correspondence and legislative material throughout the Capitol. They take messages for Senators or call them to the phone. They prepare the Chamber for Senate sessions, and they carry bills and amendments to the desk. All of this is in addition to their regular school work.

But as demanding as it is, being a page also gives a student a rare opportunity to learn about—and contribute—to the legislative branch of our government and to witness firsthand the debates in the U.S. Senate, often described as the ''greatest deliberative body in the world.'' And in the lameduck session, Rachel had an up close look at a flurry of major legislation, including the Senate's bipartisan ratification of the New START Treaty, a long-sought arms reduction agreement with Russia.

Serving as a page has inspired numerous young Americans to pursue careers in public service, even in politics and in the Senate. My friend Chris Dodd, who just retired after more than three decades in Congress, once served as a Senate page. So did one of my current colleagues, MARK PRYOR of Arkansas. So perhaps someday we will see Rachel in the Senate again, in some role other than page.

But in the meantime, let me thank Rachel's parents, Susan and Karl, for sharing her with the Senate during the Christmas holiday, and sustaining her in her first foray in public service—and please also allow me to thank Rachel for her extra special efforts and to express my admiration for the way she conducted herself throughout our lameduck session. She has set the bar high for herself—and for all the Senate pages who will follow.●

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID M. PITTENGER

● Mr. CARDIN. Mr. President, today, I honor the career and contributions of David M. Pittenger, who is retiring after 30 years with the National Aquarium, 15 years as executive director. Dave joined the National Aquarium as director of education in 1979 and implemented award-winning conservation education programs in Baltimore City public schools 2 years before the aquarium officially opened its doors in 1981. Now, each year, 70,000 Maryland schoolchildren, on average, visit the National Aquarium for free as part of their curriculum and Aquarium educators give curriculum training to more than 1,000 teachers.

Through programs that are onsite, in schools and hands-on in the field, the National Aquarium engages children of all ages in raising young terrapins and releasing them into the Bay, taking water and soil samples, growing plants, and going on nature hikes. Children paddle canoes and kayaks, wade in creeks, count birds in wetlands, snorkel in Florida coral reefs, and patrol sea turtle nesting areas in Georgia. For some children, these programs offer their first encounter with an environment outside their neighborhood.

During Dave Pittenger's tenure as director, the National Aquarium has expanded its footprint in Baltimore's Inner Harbor to three buildings, adding an engaging dolphin amphitheater and the award-winning Australia exhibit. The aquarium has also moved beyond its Inner Harbor location, acquiring 12.5 acres of once-contaminated waterfront land in South Baltimore and remediating this ''brownfield'' to make way for a publicly accessible waterfront park.

Dave has fostered Baltimore's alliance with the National Aquarium in Washington, DC, creating a venue that now showcases 70 exhibits featuring America's Aquatic Treasures, highlighting the animals and habitats of freshwater ecosystems in the United States and other conservation hot spots through the National Marine Sanctuaries Program. Under Dave's leadership, however, the National Aquarium has taken on a role greater than its exhibits. He is committed to using the National Aquarium as a stage to educate parents and their children about the importance of aquatic conservation. Dave's priorities of conservation and education are firmly rooted in the conviction that zoos and aquariums have both the capacity and the responsibility to increase public awareness of environmental issues and to implement conservation action programs.

Dave has provided the leadership to make the National Aquarium a true conservation organization with programs around the Chesapeake Bay and the world that restore habitats, rebuild tidal wetlands, strengthen eroding shorelines, reestablish islands, rehabilitate endangered sea turtles, and research lionfish and coral reefs. When the BP oilspill occurred, for instance, scientists from the National Aquarium were available to provide expertise to government and conservation officials trying to ameliorate the damage to the ecosystem in the Gulf of Mexico, work they continue today.

In 2010, building on the aquarium's strong legacy of service to the environment, the National Aquarium Conservation Center was established to research aquatic species and environments and provide advocacy and programs that tackle pressing conservation issues that affect the aquatic environment.

Under Dave's leadership, the National Aquarium has been an economic engine for the city of Baltimore and the State of Maryland, welcoming some 1.5 million visitors annually. The National Aquarium is a world-class entertainment attraction and Maryland's No. 1 tourist attraction. The aquarium generates millions in tax dollars and tourism revenue while employing more than 450 staff and engaging local businesses to support its operations.

I ask my colleagues to join me in thanking Dave Pittenger for his steadfast contributions to our aquatic environment in Maryland and throughout the Nation and the world. The foundation he has laid will produce benefits for all of us as we continue to work to educate and advocate for clean water and a clean environment for all the inhabitants of this Earth.●

LAUNCH OF FIRST RADIOLOGIC-PATHOLOGY CORRELATION COURSE

● Mr. CARDIN. Mr. President, today I wish to recognize the launch of the first Radiologic-Pathology Correlation Course presented by the American Institute for Radiologic Pathology, AIRP, at its new Silver Spring, MD, venue. The American College of Radiology created the AIRP to allow radiology resident training to move forward uninterrupted by the Defense Department's closure of the Armed Forces Institute of Pathology, AFIP, as part of the Base Realignment and Closure Commission plan. The launch of the AIRP provides an excellent example of the private sector stepping up to help ameliorate the impact that BRAC changes can have on a community.

I am especially pleased that AIRP chose to locate in the newly revitalized historic American Film Institute Silver Theatre and Cultural Center, approximately 2 miles from the former AFIP site. The AFI Silver Theatre is a state-of-the-art education and cultural center anchored by the restoration of noted architect John Eberson's historic 1938 Silver Theatre. Once slated for the wrecker's ball, AFI was saved through the efforts of the local community and reopened in 2003. Its revitalization represents a unique public-private partnership between Montgomery County, MD, and the American Film Institute.

The launch of the AIRP at the AFI Silver Theatre and Cultural Center demonstrates the role the theatre is playing as a major anchor of a redevelopment effort in Montgomery County. Approximately 2,000 physicians annually from around the world are expected to convene in Silver Spring for 4 weeks at a time to participate in AIRP. With courses developed and presented by world-renowned faculty from the most prestigious radiology programs in the country, AIRP will further contribute to Montgomery County's reputation as a leader in medical research and education. I applaud the launch of the AIRP, and I look forward to a long and mutually beneficial relationship between AIRP and the Montgomery County community.●

TRIBUTE TO ROBERT A. DENNIS

● Mr. CONRAD. Mr. President, I want to take a moment to recognize the retirement this week of Robert A. Dennis, CBO's Assistant Director for Macroeconomic Analysis. Mr. Dennis is retiring after more than 30 years of service at CBO.

He began his career at CBO in 1979, working as a Principal Analyst in CBO's Macroeconomic Division. He was promoted to the position of Deputy Assistant Director of the Division in 1988 and then to the position of Assistant Director of the Division in 1992, where he has served since.

As the head of CBO's Macroeconomic Analysis Division, Mr. Dennis has been one of the leading economists at CBO and has helped drive the agency's outstanding work. His skills as an economist have been highlighted in the diverse issues he has worked on while at CBO, ranging from macroeconomic effects of tax policy, to the impact of flu epidemics and terrorist disruptions at U.S. ports.

Mr. Dennis has also played a critical role at CBO by developing many of the procedures the Macroeconomic Analysis Division has used to prepare its economic forecasts. He even wrote the computer software that the division used for many years to analyze current economic developments and prepare charts for CBO publications.

Mr. Dennis's excellent work has been recognized throughout his career. In the 1980s, as a principal analyst, he received a CBO Director's Award for outstanding performance. And he has since received a number of awards recognizing his outstanding management at CBO.

Mr. Dennis has exemplified CBO's high standard of professionalism, objectivity, and nonpartisanship. He has worked tirelessly to ensure Congress was given accurate and timely information on the key policy issues of the day.

I thank Robert Dennis and commend him for his many years of dedicated, faithful, and outstanding service to CBO, to Congress, and to the American people. I wish him all the best in his well-deserved retirement.●

REMEMBERING CLIFFORD R. PHILLIPS

● Ms. MURKOWSKI. Mr. President, I would like to take a few minutes to offer a tribute to Clifford R. Phillips. He passed away on December 3, 2010, at his home in Surprise, AZ. He was an Alaskan fishing legend and a true hero who fought bravely in the European Theater during World War II.

Cliff was born on December 7, 1919, on the west coast of Vancouver Island. His parents, who had originally been involved in the fishing industry in England, had immigrated to British Columbia where they managed a herring saltery. They later moved to Ketchikan where he would, as a very young man, begin his career in Alaskan fisheries. This was the age of ''mild cure'' salmon, and starting at the age of seven Cliff began learning the family business and the importance of producing a high quality product. He continued to work with his father in the family business through the 1930s.

After seeing the devastation and heartache of the beginning of World War II, Cliff joined the Alaska National Guard. He trained at Chilkoot Barracks in Haines, AK, and was assigned to duties in the Aleutian Islands. He was one of the first to fly into the new military airfield built in the Pribilof Islands, which is located nearly 500 miles off the Siberian coast. The rugged winter saw the Islands iced in. The base did not receive supplies by ship for some 9 months, but Cliff and his comrades held their ground.

In September 1944, he transferred to the European Theater and joined the Third Army. He participated in the landing at Normandy, and his unit later helped to repel the German offensive in ''The Battle of the Bulge.'' Cliff managed to make it through combat unscathed, and his distinguished service led to his being awarded the Silver Star.

Upon discharge after World War II, Cliff felt the urge to return to Alaska and to his family heritage in the fishing industry. He naturally gravitated back to Ketchikan in southeast Alaska so that he could work in the waters he knew best.

In 1950, the Phillips father-son duo built the E.C. Phillips cold storage plant on Tongass Narrows in Ketchikan. Cliff and his father excelled at increasing capacity, efficiency, and quality. As time went by, the E.C. Phillips product became known for its high quality around the world, and today it is still known as a premier quality product.

After the death of his father, Cliff took charge, but he was no desk bound executive, and standard working hours did not apply to him. During the fishing season he could always be found in the processing area of his plant inspecting the fish and supervising operations. Cliff sold his product by phone and fax from his Alaskan office to the entire United States and around the world. But nothing left the plant until he was satisfied that the fish met the E.C. Phillips quality standard.

Before there was an Alaska Seafood Marketing Institute, Cliff was Alaska's ambassador for seafood, and he traveled far and wide promoting Alaskan seafood products. Cliff remained active in the business well into his eighties, but even after he retired from daily operations and moved to Arizona he maintained frequent contact with the plant and his many friends and customers.

Everyone found Cliff to be a charming man, eloquent and persuasive, but first and foremost he saw it as his mission to insist on high quality for all products which carried the E.C. Phillips brand name. I extend my sincerest condolences to his wife Dixie and his family members. We have all lost a friend, and Alaska's seafood industry has lost a great champion. May he rest in peace.●

REMEMBERING NEVA EGAN

● Ms. MURKOWSKI. Mr. President, today I honor the passing of the initial first lady of Alaska, Neva Egan. Desdia Neva McKittrick Egan was born in Wilson, KS, on October 3, 1914. The articulate, effervescent Alaskan served on hospital boards, school boards, worked diligently on community commitments, and continued to attend morning meetings of the Commonwealth

Club in Anchorage for years. Although she was quick to downplay her role in Alaskan history, she had a key position as first lady. Neva also accompanied her husband to Washington, DC, for 19 months during the period when Alaska was being considered for statehood.

In DC it was a time of adjustment, traffic, ''hot weather'' and big-city living for the girl from small-town Kansas. After her husband, William A. Egan, was elected as Alaska's first Governor, she took great pride in supporting him, as well as all the Alaskan legislators and their families. She was known to invite legislator's children to the Governor's Mansion while living in Juneau during session. Although, Neva rarely spoke publicly about politics, she was the firm shoulder on which many legislators leaned. She was a strong woman that worked hard to care for others behind the scenes when it mattered most.

Neva was the third in a family of four girls and one boy. She graduated from high school in the midst of the Great Depression in 1932 and then worked for a year in her father's grocery store. After a year, she decided to continue her education and attended Kansas State College, but soon transferred to be closer to her sister and aunt at the University of Wyoming. Quickly, she was recruited to teach in Glenrock, WY, for the ''fabulous'' salary of $1,000 a year, while her friends were making $25 a month. Her musical background and teaching career led her to Valdez, where she expected to only stay a year and was told the town was ''a little rough.'' Shortly after she arrived, one of the few local guys with a car, a quiet man, who read the CONGRESSIONAL RECORD for fun in junior high school, expressed interest in Neva. Apparently, the first date was disastrous, but friends recall ''love at first sight.''

William and Neva Egan were married on November 16, 1940, in Valdez. It was the same month that William was elected to the Alaska Territorial House of Representatives from the Third Judicial Division that started his drive into Alaskan political history. As a Representative, an advocate pushing for statehood in DC, a Governor, and as a family man, there was never any question as to whom William could look to for support. Neva was the rock that held up her family. While overseeing issues, her son, Dennis Egan who was born in 1947, once asked if since Neva is the first lady is he ''the first kid?'' Well, that ''first kid'' grew up to be a Juneau radio personality, the former mayor of Juneau, and now a State senator.

Neva was known to start the legislative session with buffet receptions for all the Senators and Representatives and their spouses. She was consistently the rock that others leaned upon; ironing shirts, making beds, and taking the initiative to perform any needed repairs on the Governor's Mansion.

Neva Egan worked hard every day and that resulted in a lifetime of contributions to Alaska. Neva is survived by her son Dennis and daughter-in-law Linda; her granddaughters and their husbands, Jill Egan and Sandy Vergano and Leslie Egan and Tyler Malstrom; and brother Richard McKittrick. Neva was preceded in death by her husband William Egan, daughter Elin Carol Egan, and sisters Helen Spiegelberg, Margaret McKittrick and Josephine Trowbridge. I extend my sympathies to the Egan family and feel blessed to come from the same state where she made such a difference. May she rest in peace.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 514) extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The message also announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. SHIMKUS of Illinois.

MEASURE HELD AT THE DESK

The following measure was ordered held at the desk, by unanimous consent:

S. 223. An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–594. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis'' (Docket No. APHIS–2008–0052) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–595. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Limitations on Procurements with Non-Defense Agencies'' ((RIN0750–AG67)(DFARS Case 2009–D027)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–596. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Repeal of the Small Business Competitiveness Demonstration Program'' ((RIN0750–AG44)(DFARS Case 2011–D001)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–597. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Publication of Notification of Bundling of Contracts of the Department of Defense'' (DFARS Case 2009–D033) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–598. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Award-Fee Contracts'' ((RIN0750–AF51)(DFARS Case 2006–D021)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC–599. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Report Regarding Effect on Military Readiness Caused by Undocumented Immigrant Trespassing on Operational Ranges—Implementation Update''; to the Committee on Armed Services.

EC–600. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC–601. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–7917)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–602. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy announcement in the position of Deputy Under Secretary, received

on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–603. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' ((Docket No. FEMA–7784)(44 CFR Part 64)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–604. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Lactation Expenses as Medical Expenses'' (Rev. Rul. 2011–14) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Finance.

EC–605. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–606. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (128); Amdt. 491'' ((RIN2120–AA63)(Docket No. 30760)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–607. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (118); Amdt. 3408'' (RIN2120–AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–608. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (46); Amdt. 3409'' (RIN2120–AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–609. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (71); Amdt. 3411'' (RIN2120–AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–610. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Show Low, AZ'' ((RIN2120–AA66)(Docket No. FAA–2010–0903)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–611. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Panguitch, UT'' ((RIN2120–AA66)(Docket No. FAA–2010–0529)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–612. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Port Clarence, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0354)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–613. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lucin, UT'' ((RIN2120–AA66)(Docket No. FAA–2010–1208)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–614. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Fort Worth NAS JRB (Carswell Field), TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0183)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–615. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Savannah, TN'' ((RIN2120–AA66)(Docket No. FAA–2010–1047)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–616. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Horseshoe Bay, TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0843)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–617. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI'' ((RIN2120–AA66)(Docket No. FAA–2010–0808)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–618. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Richmond, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1033)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–619. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; New Hampton, IA'' ((RIN2120–AA66)(Docket No. FAA–2010–1035)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–620. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Greensburg, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1028)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; La Porte, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1030)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lafayette, Purdue University Airport, IN'' ((RIN2120–AA66)(Docket No. FAA–2010–1029)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Compulsory Reporting Points; Alaska'' ((RIN2120–AA66)(Docket No. FAA–2010–1191)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safe, Efficient Use and Preservation of the Navigable Airspace; Correction'' ((RIN2120–AH31)(Docket No. FAA–2006–25002)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Crew Resource Management Training for Crewmembers in Part 135 Operations'' ((RIN2120–AJ32)(Docket No. FAA–2009–0023)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–626. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Routes (T–281, T–283, T–285, T–286, and T–288); Nebraska and South Dakota'' ((RIN2120–AA66)(Docket No. FAA–2010–0688)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–627. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Jet Route J–93, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–1022)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–628. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–2 and V–21; Hawaii'' ((RIN2120–AA66)(Docket No. FAA–2010–1263)) received in the Office of the President of the Senate

on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–629. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Kaman Aerospace Corporation (Kaman) Model K–1200 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–1253)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–630. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 757–200, –200CB, and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1280)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–631. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0646)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–632. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1080)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–633. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0596)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–634. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0228)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–635. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 727 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0677)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–636. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Sailplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0053)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–637. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0948)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–638. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers PLC Model SD3 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0225)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–639. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 676–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0796)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–640. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 757 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0295)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–641. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B/E Aerospace Protective Breathing Equipment (PBE) Part Number 119003–11 Installed on Various Transport Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0797)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–642. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)'' ((RIN2120–AA64)(Docket No. FAA–2010–1278)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–643. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Corp. (PandWC) PW305A and PW305B Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0829)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–644. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1152)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–645. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 Series Airplanes; Model A330–300 Series Airplanes; Model A340–200 Series Airplanes; and Model A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0029)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–646. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0611)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–647. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB-WERKE GMBH and CO KG Models G102 ASTIR CS, G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders'' ((RIN2120–AA64)(Docket No. FAA–2007–28435)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–648. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–7, –7A, –7B, –9, –9A, –11, –15, –15A , –17, –17A, –17R, –17AR Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0593)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–649. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; M7 Aerospace LP (Type Certificate Previously Held by Fairchild Aircraft Incorporated) Models SA26–AT, SA26–T, SA226–AT, SA226–T, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, SA227–DC (C–26B), and SA227–TT Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0014)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–650. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/AH–1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0622)) received in the Office of the President of the Senate

on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–651. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft, Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1011)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–652. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0549)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–653. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0100, 1000, 2000, 3000, and 4000 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1114)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–654. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300, A300–600, A310, A318, A319, A320, A321, A330–300, A340–200, A340–300, A340–500, A340–600, and A380–800 Series Airplanes; and Model A330–201, A330–202, A330–203, A330–223, A330–243 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1279)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–655. A communication from the Secretary of Transportation, transmitting, the Department's Fiscal Year 2010 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC–656. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the GAO report entitled ''Information Security: Federal Agencies Have Taken Steps to Secure Wireless Networks, but Further Actions Can Mitigate Risk''; to the Committee on Commerce, Science, and Transportation.

EC–657. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC–658. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Publically Available Consumer Product Safety Information Database'' (16 CFR Parts 1102) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–659. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations'' (Docket No. USCG–2010–0399) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–660. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Agency's proposed fiscal year 2012 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC–661. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program, Policy Wording Correction'' ((RIN1660–AA70) (Docket No. FEMA–2010–0021)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–662. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Alabama Regulatory Program'' (Docket No. AL–075–FOR) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Energy and Natural Resources.

EC–663. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–664. A communication from the Deputy Director, Division of Financial Assistance Policy and Oversight, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Department of Homeland Security Implementation of OMB Guidance on Drug-Free Workplace Requirements'' (RIN1601–AA62) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–665. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2012; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 61. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 66. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 67. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. Res. 68. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 69. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mrs. MURRAY, from the Committee on Veterans' Affairs, without amendment:

S. Res. 71. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Eric E. Fiel, to be Lieutenant General.

Air Force nomination of Col. Howard D. Stendahl, to be Brigadier General.

Air Force nomination of Maj. Gen. Ellen M. Pawlikowski, to be Lieutenant General.

Air Force nomination of Maj. Gen. Michael J. Basla, to be Lieutenant General.

Army nomination of Lt. Gen. Dennis L. Via, to be Lieutenant General .

Army nomination of Lt. Gen. Mark P. Hertling, to be Lieutenant General.

Army nomination of Maj. Gen. Susan S. Lawrence, to be Lieutenant General.

Army nomination of Maj. Gen. John M. Bednarek, to be Lieutenant General.

Army nomination of Maj. Gen. Francis J. Wiercinski, to be Lieutenant General.

Army nomination of Brig. Gen. Renaldo Rivera, to be Major General.

Army nomination of Brig. Gen. William M. Buckler, Jr., to be Major General.

Army nomination of Brig. Gen. Mark J. MacCarley, to be Major General.

Army nomination of Col. Arlen R. Royalty, to be Brigadier General.

Army nomination of Maj. Gen. Rhett A. Hernandez, to be Lieutenant General.

Army nomination of Col. Johnny M. Sellers, to be Brigadier General.

Army nomination of Col. Janson D. Boyles, to be Brigadier General.

Army nomination of Maj. Gen. Vincent K. Brooks, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Juan G. Ayala and ending with Brigadier General Glenn M. Walters, which nominations were received by the Senate and appeared in the congressional record on February 2, 2011.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive

Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Erwin Rader Bender, Jr. and ending with Catherine A. Hallett, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with David M. Crawford and ending with James H. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with Richard T. Aldridge and ending with Vicky J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with Stephen L. Buse and ending with Angela P. Pettis, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Thomas J. Collins and ending with Linda A. Stokescrowe, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Phillip M. Armstrong and ending with Richard E. Spearman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Lloyd H. Anseth and ending with Karl B. Ross, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Kathleen M. Flarity and ending with Jennette L. Zmaeff, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Melina T. Doan and ending with Felipe D. Villena, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Villa L. Guillory and ending with Danny K. Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Alfred P. Bowles II and ending with Herminigildo V. Valle, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Brian F. Agee and ending with Anita Jo Anne Winkler, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Earl R. Alameida, Jr. and ending with Daniel S. Yenchesky, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Steven L. Argiriou and ending with Adam E. Torem, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Richard C. Ales and ending with Derek C. Underhill, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Marc T. Arellano and ending with Howard E. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Army nominations beginning with Gregrey C. Bacon and ending with Donnie J. Quintana, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Army nomination of Sebastian A. Edwards, to be Lieutenant Colonel.

Army nomination of Gregory R. Ebner, to be Colonel.

Army nominations beginning with Curtis O. Bohlman, Jr. and ending with Robert C. Smothers, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Army nomination of Edward J. Benz III, to be Lieutenant Colonel.

Army nomination of Charles E. Lynde, to be Colonel.

Army nominations beginning with Ozren T. Buntak and ending with Ruth Nelson, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Marcia A. Brimm and ending with Heather V. Southby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Dustin C. Frazier and ending with Jan I. Maby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Robert L. Bierenga and ending with Johnnie M. Toby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Don A. Campbell and ending with Kevin T. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nomination of Timothy E. Lemaster, to be Major.

Marine Corps nominations beginning with Dax Hammers and ending with David Stevens, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Richard Martinez and ending with James P. Stockwell, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with William Frazier, Jr. and ending with Michael A. Nolan, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Douglas R. Cunningham and ending with Darren R. Jester, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with James E. Hardy, Jr. and ending with James C. Rose, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Conrad G. Alston and ending with Lewis E. Shemery III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with David M. Adams and ending with Michael C. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Stefan R. Browning and ending with Steve R. Trask, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Joel T. Carpenter and ending with Randal J. Parkan, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of Roger N. Rudd, to be Lieutenant Colonel.

Marine Corps nomination of Lowell W. Schweickart, Jr., to be Lieutenant Colonel.

Marine Corps nomination of Katrina Gaskill, to be Lieutenant Colonel.

Marine Corps nominations beginning with Sean J. Collins and ending with John L. Myrka, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with William H. Barlow and ending with Danny R. Morales, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of James H. Glass, to be Major.

Marine Corps nominations beginning with Timothy M. Callahan and ending with James N. Shelstad, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Ernest L. Ackiss III and ending with Theodore Silvester III, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nominations beginning with Philip Q. Applegate and ending with James D. Wilmott, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Navy nominations beginning with John G. Brown and ending with William A. Mix, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Navy nomination of Richelle L. Kay, to be Captain.

Navy nominations beginning with Chris W. Czaplak and ending with Angela J. Tang, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nomination of Scott D. Scherer, to be Lieutenant Commander.

Navy nominations beginning with Carlos E. Moreyra and ending with William N. Brasswell, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nominations beginning with David Q. Baughier and ending with John C. Wiedmann III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nomination of Jeffrey K. Hayhurst, to be Captain.

Navy nomination of Steven D. Elias, to be Lieutenant Commander.

Navy nominations beginning with Amy R. Gavril and ending with Grant A. Kidd, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Ms. SNOWE, and Ms. COLLINS):

S. 374. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. JOHNSON of South Dakota, Mr. ENZI, Mr. THUNE, and Mr. LEE):

S. 375. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COBURN (for himself and Mrs. MCCASKILL):

S. 376. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 377. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 378. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching standards; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. MCCAIN:

S. 380. A bill to extend the Andean Trade Preference Act, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. WICKER, Mr. INHOFE, Mr. ENZI, Mr. BEGICH, Ms. MURKOWSKI, and Mr. BAUCUS):

S. 381. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado (for himself and Mr. BARRASSO):

S. 382. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 383. A bill to promote the domestic production of critical minerals and materials, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. PORTMAN, Mr. DURBIN, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. COONS, Mr. BARRASSO, Ms. MIKULSKI, Mr. BURR, Mr. LAUTENBERG, Mr. KERRY, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. MERKLEY, Mr. LIEBERMAN, Mr. MORAN, Mr. COCHRAN, Mrs. MURRAY, Mr. ENSIGN, Mr. NELSON of Nebraska, and Mr. HATCH):

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, Mr. CONRAD, and Mr. FRANKEN):

S. 385. A bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 386. A bill to provide assistance to certain employers and States in 2011 and 2012, to improve the long-term solvency of the Unemployment Compensation program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. BURR, and Mrs. GILLIBRAND):

S. 387. A bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mr. CASEY, Mr. TESTER, Mr. MANCHIN, Mr. WARNER, Mr. WYDEN, Mr. BENNET, and Mr. NELSON of Nebraska):

S. 388. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KIRK:

S. 389. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself and Mrs. MCCASKILL):

S. 390. A bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MORAN:

S. 391. A bill to rescind unobligated stimulus funds and require that such funds be used for Federal budget deficit reduction; to the Committee on Appropriations.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 392. A bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 393. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DEMINT, Mr. WICKER, Mr. TOOMEY, Mr. SESSIONS, Mr. COBURN, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. PAUL, Mr. LEE, Mr. ENSIGN, Mr. RISCH, Mr. BARRASSO, Mr. VITTER, Mr. KYL, Mr. BLUNT, Mr. INHOFE, Mrs. HUTCHISON, Mr. COATS, Mr. THUNE, Mr. HATCH, Mr. GRASSLEY, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, Mr. MCCAIN, and Mr. JOHANNS):

S. 395. A bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 396. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility; to the Committee on Veterans' Affairs.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. WICKER, and Mr. RISCH):

S. 397. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or use energy efficient lighting if that lighting contains mercury; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 398. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 399. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORKER (for himself, Mr. WYDEN, Ms. MURKOWSKI, Mr. BURR, Mr. GRAHAM, Mr. CHAMBLISS, and Mr. LEE):

S. 400. A bill to amend the Federal Power Act to ensure that rates and charges for electric energy are assessed in proportion to measurable reliability or economic benefit, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 401. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. WEBB, Ms. COLLINS, and Mr. KERRY):

S. 402. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 403. A bill to amend the Wild and Scenic Rivers Act to designate segments of the

Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 404. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 405. A bill to amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 406. A bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. ENSIGN, Mr. LEE, Mr. ENZI, Mr. RISCH, Mr. BARRASSO, Mr. HATCH, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 407. A bill to amend the Act of June 8, 1906, to require certain procedures for designating national monuments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 408. A bill to provide for the temporary retention of sole community hospital status for a hospital under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. KOHL, Mr. SESSIONS, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 409. A bill to ban the sale of certain synthetic drugs; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. GRAHAM, Mr. CORNYN, Mr. DURBIN, and Ms. KLOBUCHAR):

S. 410. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BROWN of Massachusetts, Mr. CORNYN, Mr. BEGICH, Mr. INHOFE, Mr. CASEY, and Mr. NELSON of Florida):

S. 411. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and nonprofit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. LANDRIEU, Mr. SHELBY, Ms. STABENOW, Mrs. BOXER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. FRANKEN, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 412. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 413. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Ms. SNOWE, Mrs. BOXER, Mr. CARDIN, and Mr. BROWN of Massachusetts):

S. 414. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 415. A bill to provide the FCC with authority to conduct incentive auctions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Ms. MIKULSKI, Mr. LUGAR, Ms. COLLINS, Mr. BURR, Mr. BENNET, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORKER, Mr. PRYOR, and Mr. UDALL of Colorado):

S. Res. 60. A resolution recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States; considered and agreed to.

By Mr. LEAHY:

S. Res. 61. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. JOHNSON of South Dakota:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Mr. ISAKSON, Mr. TESTER, Mr. DURBIN, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. REID):

S. Res. 63. A resolution designating the first week of April 2011 as ''National Asbestos Awareness Week''; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. WICKER (for himself, Mr. CARDIN, and Mr. MCCAIN):

S. Res. 65. A resolution expressing the sense of the Senate that the conviction by the Government of Russia of businessman Mikhail Khodorkovsky and Platon Lebedev constitutes a politically motivated case of selective arrest and prosecution that flagrantly undermines the rule of law and independence of the judicial system of Russia; to the Committee on Foreign Relations.

By Ms. LANDRIEU:

S. Res. 66. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Ms. STABENOW:

S. Res. 67. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. Res. 68. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. Res. 69. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; to the Committee on Rules and Administration.

By Mrs. MURRAY:

S. Res. 71. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. MENENDEZ):

S. Res. 72. A resolution recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, ''Revelations''; considered and agreed to.

By Mr. KIRK (for himself, Mr. LEVIN, Mr. KYL, Mr. CASEY, Mr. NELSON of Florida, Mr. GRAHAM, and Mrs. GILLIBRAND):

S. Res. 73. A resolution supporting democracy, universal rights, and the Iranian people in their peaceful call for a representative and responsive democratic government; considered and agreed to.

By Mr. BROWN of Ohio (for himself and Mr. BARRASSO):

S. Res. 74. A resolution designating February 28, 2011, as ''Rare Disease Day''; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. CASEY):

S. Res. 75. A resolution designating March 25, 2011, as ''National Cerebral Palsy Awareness Day''; considered and agreed to.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 76. A resolution recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 23

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 50

At the request of Mr. INOUYE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 210

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 217

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 222

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 222, a bill to limit investor and homeowner losses in foreclosures, and for other purposes.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 282

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 282, a bill to rescind unused earmarks.

S. 299

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 311

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 344

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Arizona (Mr. KYL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 51

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

AMENDMENT NO. 22

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 22 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 64

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. KIRK) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 64 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 71

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of amendment No. 71 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 86

At the request of Mr. INHOFE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 86 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 97

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 97 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, and Ms. COLLINS):

S. 374. A bill to amend title XVIII of the Social Security Act to eliminate

the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

Mr. KERRY. Mr. President, our country has recently taken great steps forward to support the principles of mental health parity. In 2008, Congress has enacted two important pieces of legislation to end discrimination against people suffering from mental illnesses.

Congress passed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, MHPAEA, to prohibit the establishment of discriminatory benefit caps or cost-sharing requirements for mental health and substance use disorders. That same year Congress also passed the Medicare Improvements for Patients and Protections Act, MIPPA, which included legislation introduced by Senator SNOWE and myself, the Medicare Mental Health Copayment Equity Act. This legislation prevented Medicare beneficiaries from being charged higher copayments for outpatient mental health services than for all other outpatient physician services.

Unfortunately, even with the passage of MIPPA, a serious mental health inequity remains in Medicare. Medicare beneficiaries are currently limited to only 190 days of inpatient psychiatric hospital care in their lifetime. This lifetime limit directly impacts Medicare beneficiaries' access to psychiatric hospitals, although it does not apply to psychiatric units in general hospitals. This arbitrary cap on benefits is discriminatory to the mentally ill as there is no such lifetime limit for any other Medicare specialty inpatient hospital service. The 190-day lifetime limit is problematic for patients being treated in psychiatric hospitals as they may easily exceed the 190 days if they have a chronic mental illness.

That is why Senator SNOWE and I are working together once again to address the last remaining mental health parity issue in Medicare. Today, we are introducing the Medicare Mental Health Inpatient Equity Act. Our legislation would eliminate the Medicare 190-day lifetime limit for inpatient psychiatric hospital care. It would equalize Medicare mental health coverage with private health insurance coverage, expand beneficiary choice of inpatient psychiatric care providers, increase access for the seriously ill, and improve continuity of care.

This legislation is supported by eighty national organizations that represent hospital associations, seniors' organizations, disability organizations, and the mental health community. I would like to thank a number of organizations who have been integral to the development of the Medicare Mental Health Inpatient Equity Act and who have endorsed our legislation today, including the AARP, the American Hospital Association, the National Association of Psychiatric Health Systems, and the American Psychological Association.

Congress has now acted to address mental health parity issues for group health plans and for outpatient Medicare services. It's time to end this outmoded law and ensure that beneficiaries with mental illnesses have access to a range of appropriate settings for their care. I look forward to working with my colleagues in the Senate to achieve mental health parity in Medicare.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 377. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce the President Street Station Study Act. President Street Station, located in my hometown of Baltimore, played a crucial role in the Civil War, the Underground Railroad, the growth of Baltimore's railroad industry, and is a historically significant landmark to the Lincoln presidency.

The station was constructed for the Philadelphia, Wilmington, and Baltimore, PW&B, Railroad in 1849 and remains the oldest surviving big city railroad terminal in the United States. This historical structure is a unique architectural gem, arguably the first example and last survivor of the early barrel-vault train shed arches, also known as the Howe Truss. The arch-rib design became the blueprint for railroad bridges and roofs well into the 20th century and was replicated for every similarly designed train shed and roof for the next 20 years.

The growth of President Street Station and the PW&B railroad mirror the expansion of the railroad industry throughout the country in the latter half of the 19th century. This station played an essential role in making Baltimore the first railroad and sea-rail link in the nation and helped the city become the international port hub it remains to this day.

In its heyday, President Street Station was the key link connecting Washington DC and with the northeast states. Hundreds of passengers traveling north passed through this station and, by the start of the Civil War, Baltimore had become our nation's major southern railroad hub. Not surprisingly, the station played a critical role in both the Civil War and the Underground Railroad.

Perhaps its most famous passenger was Abraham Lincoln, who traveled through the station at least four times, including secretly on his way to his first inauguration. In 1861, President-elect Lincoln was warned by a PW&B private detective of a possible assassination plot in Baltimore as he transferred trains. While it is unclear if this plot existed and posed a serious threat, Lincoln nevertheless was secretly smuggled aboard a train in the dead of night to complete his trip to Washington.

Just a few months later, President Street Station served as a backdrop for what many historians claim was the first bloodshed of the Civil War. The Baltimore Riot of 1861 occurred when Lincoln called for Union volunteers to quell the rebellion at Fort Sumter in Charleston. On April 19, Massachusetts and Pennsylvania volunteers were met and attacked by a mob of secessionist and Confederate sympathizers. The bloody confrontation left four dead and thirty-six wounded. As the war continued, the Station remained a critical link for the Union. Troops and supplies from the north were regularly shuttled through the station to support Union soldiers.

It is well known that Maryland was a common starting point along the Underground Railroad and that many escaped slaves from Maryland's Eastern Shore plantations were destined for Baltimore and the President Street Station to travel North to freedom. A few weeks ago, I introduced a bill, The Harriet Tubman National Historical Parks Act, S. 247, to honor Maryland's own Harriet Tubman, the Underground Railroad's most famous ''conductor.'' While she personally led dozens of people to freedom, her courage and fortitude also inspired others to find their own strength to seek freedom. President Street Station was indeed a station on this secret network. Prior to emancipation in 1863, several renowned escapees, including Frederick Douglass, William and Ellen Craft, and Henry Box Brown, traveled through the station, risking their lives for a better and freer life.

Others' journeys for a better life also passed through President Street Station. From its beginning and into the 20th century, Baltimore was both a destination and departure point for immigrants. New arrivals from Ireland, Russia, and Europe arriving on the eastern seaboard traveled by way of the PW&B railroads to the west.

For decades, President Street Station has long been recognized as having an important place in history: In 1992, it was listed on the National Register of Historic places and the city of Baltimore has dedicated it a local historical landmark. For many years it served as the Baltimore Civil War Museum, educating generations of people about the role Maryland and Baltimore played in the Civil War and the early history of the city. In recent years, the museum, run by dedicated volunteers from the Maryland Historical Society and Friends of President Street Station, have struggled to keep the station's doors open and keeping the station's character true to its historical roots. The area around President Street Station has changed dramatically over the decades, but the Station has worked to preserve its history. It has been many years since trains passed through the President Street Station and it is clear that the best use for this building

today is to preserve the building and use it tell Station's American story.

President Street Station is one of America's historical treasures. As we celebrate President's Day this weekend, we honor some of our country's greatest leaders and remember our own rich and innovative history. This bill authorizes the Secretary of the Interior to conduct a special resource study of President Street Station to evaluate the suitability and feasibility of establishing the Station as a unit of the National Park Service. President Street Station, a contributor to the growth of the railroad, and a vital player in the Underground Railroad, Lincoln's Presidency and Civil War, is part of this history. I urge my colleagues to join me in giving this station the recognition it deserves and support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 377

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''President Street Station Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) STUDY AREA.—The term ''study area'' means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals;

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(6) identify any authorities that would compel or permit the Secretary to influence local land use decisions under the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

By Mr. ROCKEFELLER:

S. 378. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching standards; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Incentives to Educate American Children Act of 2011—I TEACH. This bill provides important tax incentives to promote the quality of all public school teachers by encouraging them to achieve certification from the National Board for Professional Teaching Standards. It provides further incentives to teachers in rural and high-poverty schools.

We all know that teachers are the front line for the education of our nation's children. Still, teachers continue to earn less than other college graduates. A recent study found that teachers only earn 77 percent as much as other college graduates. It is even worse for teachers in rural schools. Rural schools struggle with many unique challenges, and one of them is how to pay competitive salaries when transportation costs are necessarily higher than for urban schools. The Department of Education has reported that rural school districts have the lowest base salaries for starting teachers. This bill helps combat this inequity by providing a tax incentive to public school teachers in rural and high-poverty schools.

All schools today are struggling with the recruitment and retention of qualified teachers. Due to retirements and decreasing retention of beginning teachers, the experience level of our teachers is decreasing. In the 1987–1988 academic year, the most common number of years of experience for our teachers was 15 years. The most recent data from the 2007–2008 shows the most common years of experience is now just 1 year. The distribution of teaching experience in the data shows the strong need for incentives to encourage teachers to stay in the profession. We know that more experienced teachers help our students learn.

States are responsible for certifying teachers in their own states, but teachers have had the additional opportunity since 1987 to earn a certification from the National Board for Professional Teaching Standards. This independent, nonprofit, and nonpartisan organization provides teachers with a national board certification similar to those in other professions. Since 1987, more than 91,000 teachers have completed the rigorous process of National Board Certification. The National Research Council of the National Academies recently affirmed that students taught by National Board certified teachers make higher gains on achievement tests than students taught by teachers who have not applied or have not achieved this certification. This bill provides an incentive to public school teachers to achieve this certification and stay in the classroom.

The I TEACH Act of 2011 provides important incentives for teachers to serve in rural and high-poverty schools as well as for all public school teachers to demonstrate the accomplishment of National Board Certification. I urge my colleagues to support this bill.

By Mr. WEBB (for himself and Mr. WARNER):

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

Mr. WEBB. Mr. President, I rise to reintroduce the Indian Tribes of Virginia Federal Recognition Act of 2011. This legislation passed the Senate Committee on Indian Affairs and the U.S. House of Representatives in 2009. It would grant Federal recognition to 6 Native American tribes from the Commonwealth of Virginia. I am pleased to be joined by Senator MARK WARNER and in the U.S. House of Representatives Congressman MORAN, Congressman SCOTT and Congressman CONNOLLY, all of whom have been strong advocates for Virginia's Native American Tribes in past Congresses.

The 6 Virginia tribes covered under this bill began seeking Federal recognition more than 15 years ago. They are the Chickahominy, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond Indian Tribe.

The 6 Virginia Tribes covered in this legislation are the direct descendants of the tribes that helped ensure the survival of the first permanent English colony in the New World.

These 6 tribes have received State recognition as early as 1983, and have received strong bipartisan support from the Virginia General Assembly for Federal recognition. It is appropriate for them to finally receive the Federal recognition that has been denied for far too long.

I understand the reluctance from some in Congress to grant any Native American tribe Federal recognition through legislation rather than through the Bureau of Indian Affairs administrative process. I have not embraced this issue lightly, and agree in principle that Congress generally should not have to determine whether or not Native American tribes deserve Federal recognition.

Within the last 2 years the BIA's Office of Federal Acknowledgment came

out with new guidelines on implementing the criteria to determine Federal recognition. While I applaud improvements to the process, new guidelines still do not change the impact that racially hostile laws formerly in effect in Virginia had on these tribes' ability to meet the BIA's seven established recognition criteria.

Virginia's unique history and its harsh policies of the past have created a barrier for Virginia's Native American Tribes to meet the BIA criteria, even with the new guidelines. Many Western tribes experienced government neglect during the 20th century, but Virginia's story was different.

First, Virginia passed ''race laws'' in 1705, which regulated the activity of Virginia Indians. In 1924, Virginia passed the Racial Integrity Law, and the Virginia Bureau of Vital Statistics went so far as to eliminate an individual's identity as a Native American on many birth, death and marriage certificates. The shameful elimination of racial identity records had a devastating impact on Virginia's tribes when they began seeking Federal recognition.

Second, Virginia tribes signed a treaty with England, predating the practices of most tribes that signed a treaty with the Federal Government and therefore were not granted Federal recognition upon signing treaties with the Federal Government like tribes in other States did.

For these reasons, recognition of these 6 Virginia tribes is justified based on principles of dignity and fairness. As I mentioned, I have spent several years examining this issue in great detail, including the rich history and culture of Virginia's tribes. My staff and I asked a number of tough questions before we first introduced this bill in 2009, and great care and deliberation were put into arriving at this conclusion. After meeting with leaders of Virginia's Indian tribes and months of thorough investigation of the facts, I concluded that legislative action is needed for recognition of Virginia's tribes. Congressional hearings and reports over the last several Congresses demonstrate the ancestry and status of these tribes.

This bill has advanced in the past several Congresses with the strong support and tireless efforts of Congressman JIM MORAN. Every living Virginia Governor, Republican and Democrat including our current Governor, Robert McDonnell supports Federal recognition for these tribes. I look forward to working with my colleagues in the Senate, especially those on the Indian Affairs Committee, to push for passage of this important bill. Congress has exercised its power to recognize tribes in the past and I ask you to use this power to grant Federal recognition to these 6 Virginia tribes.

In 2007, we celebrated the 400th Anniversary of Jamestown—America's first colony. After 400 years since the founding of Jamestown, these 6 tribes deserve to join our Nation's other 562 federally-recognized tribes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 379

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Tribes of Virginia Federal Recognition Act of 2011''.

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

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.O. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman,

editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, ''as a matter largely of historical accident'', but was ''interested in them as descendants of the original inhabitants of the region'';

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) In 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians ''in your area'';

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the ''United Indians of Virginia'' was formed; and

(27) Chief Marvin ''Strongoak'' Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as ''the cliffs'' on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in ''New Kent'' County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as ''the cliffs'' (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the ''Upper Mattaponi Indian Tribe'' and ''Chickahominy Indian Tribe'', elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have ''Adams'' as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were ''blended'' with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as ''Indians'' in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as ''Indians'';

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a ''colored'' designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into ''colored'' units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1)(A) the first encounter with the English colonists was chronicled by George Percy on May 5, 1607, when the Rappahannock werowance, Pipiscumah or Pipisco, sent a messenger to Captain Christopher Newport bidding the English to come to him.

(B) Percy wrote, ''When we came to Rappahanna's town, he entertained us in good humanity.'';

(C) the meeting took place approximately 10 miles from Jamestown, at the principal town of the Rappahannocks on the James River, Quioughcohanock (also called ''Tapahanauk'');

(D) Quioughcohanock was a part of the Powhatan chiefdom as well as a later town named after the werowance, Pipisco;

(E) those towns were located in (Old) James City County, which later became Surry County, Virginia; and

(F) there are numerous interactions between those Rappahannock towns and the English recorded in the Jamestown Narratives during the period of 1607 through 1617;

(2) during the initial months after Virginia was settled, the Rappahannock Indians had 2 encounters with Captain John Smith;

(3)(A) a meeting occurred during the time when Powhatan held Smith captive (December 1607 through January 8, 1608);

(B) Smith was taken to the Rappahannock principal town on the Rappahannock River to see if he was the ''great man'' that had previously sailed into the Rappahannock River, killed their king and kidnaped their people; and

(C) it was determined that Smith was too short to be that ''great man'';

(4) a second meeting took place during Smith's exploration of the Chesapeake Bay (July 1608 to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed on to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, because the Rappahannock towns on the Rappahannock River had not participated in the Pamunkey-led uprising in 1644, and the English wanted to ''treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the County against the Pamunkey's'';

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, ''the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock'';

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that ''there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman'';

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, ''who were supposed to be her tributaries'', but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council ''that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers'';

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres ''about

the town where they dwelt'', the land being located in (Old) New Kent County, which was later divided to include the modern counties of Caroline and King & Queen in Virginia;

(22) the Rappahannock ''town'' was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian Land Act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River approximately 30 miles in King George County;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26)(A) in 1706, by order of Essex County, Lieutenant Richard Covington ''escorted'' the Portobaccos, Nanzaticos, and Rappahannocks out of Portabacco Indian Town, out of Essex County, and into King and Queen County, where those Indians settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation; and

(B) that land encompassed the Newtown area on the King & Queen County side of the Mattaponi River and extended into Mangohick, on the King William County side of the Mattaponi River;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29)(A) land was gifted by the Nelson family to the Saunders and Johnson families as wedding gifts to the Rappahannock girls in King William County; and

(B) in the 19th century, those Saunders, Johnson, and Nelson families were among the core Rappahannock families from which the modern Rappahannock Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as ''Indians, having a great need for moral and Christian guidance'';

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that ''special instructions'' were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were ''flatly denying'' his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as ''Indian'' only if Indian ''blood'' predominated and ''Indian'' identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as ''Negro'', and it failed to see why ''an exception should be made'' for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks who were convicted of violating the Federal draft laws because they refused to be inducted unless they could be classified as Indian, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, ''Surviving Indian Groups of the Eastern United States'', which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the Commonwealth agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a white public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term ''Tribe'' means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term ''Tribe'' does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, and King William County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, and James City County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) In 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian ''Kings and Chief Men'';

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as ''white'' with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he ''would be willing to accept these children in the Cherokee school'';

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as ''Monacan Co-operative Pottery'' at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if the land is located within the boundaries of Amherst County, Virginia; and

(2) may take into trust for the benefit of the Tribe—

(A) any land held in fee by the Tribe, if the land is located within the boundaries of Amherst County, Virginia; and

(B) the parcels of land located in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres).

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a)(2), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the ''Indian privileges'' of clearing swamp land and bearing arms (which privileges were forbidden to other nonwhites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

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

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after

consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

By Mr. UDALL of Colorado (for himself and Mr. BARRASSO):

S. 382. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, while our economy is beginning to show signs of recovery, there is still a long way to go. This is especially true in our rural communities. That is why I am reintroducing a bipartisan bill that would help provide new economic opportunities in mountain communities across this country—the Ski Area Recreational Opportunity Enhancement Act.

The outdoors and recreation industries have been a bright spot in the economic downturn. More Americans are spending time outside, enjoying the natural world and getting exercise. I have long felt it is in the national interest to encourage Americans to engage in outdoor activities that can contribute to their health and well being. Our public lands already play a key role by providing opportunities for hiking, skiing, mountain biking and a range of other activities.

In Colorado and across the country, for example, many ski areas are located on National Forest lands. However, under existing law, the National Forest Service bases ski area permits primarily on ''Nordic and alpine skiing'', a classification that does not reflect the full spectrum of snowsports, nor the use of ski permit areas for non-winter activities. This has resulted in uncertainty for both the Forest Service and ski areas as to whether and how other activities, such as summer-time activities, can occur on permitted areas.

In effect, this means that ski areas on National Forest lands are primarily restricted to use for winter recreation, as opposed to year-round recreation.

The legislation I am introducing with Senator BARRASSO of Wyoming would clarify this ambiguity. It would ensure that ski area permits could be used for additional snowsports, such as snowboarding, as well as specifically authorizing the Forest Service to allow additional recreational opportunities—like summer-time activities—in permit areas.

I should note that this authority is limited. The primary activity in the permit area must remain skiing or other snowsports. And there are specific types of development, such as water parks and amusement parks, that are specifically prohibited.

This is a narrowly targeted bill that will lead to additional opportunities for seasonal and year-round recreational activities at ski areas on public lands—and most importantly help create more sustainable, year round jobs.

I would like to thank Senator BARRASSO for his continued support of this legislation and his efforts to work with me in the last Congress to pass this bill. I know we were both disappointed that the objections of just two Senators prevented this commonsense legislation from becoming law. Hopefully we will have more success this year—because our mountain communities should be given every opportunity to thrive, as this legislation would help do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 382

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ski Area Recreational Opportunity Enhancement Act of 2011''.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

SEC. 3. SKI AREA PERMITS.

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking ''nordic and alpine ski areas and facilities'' and inserting ''ski areas and associated facilities'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''nordic and alpine skiing operations and purposes'' and inserting ''skiing and other snow sports and recreational uses authorized by this Act'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

''(c) OTHER RECREATIONAL USES.—

''(1) AUTHORITY OF SECRETARY.—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

''(2) REQUIREMENTS.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

''(A) encourage outdoor recreation and enjoyment of nature;

''(B) to the extent practicable—

''(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

''(ii) be located within the developed portions of the ski area;

''(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

''(D) be authorized in accordance with—

''(i) the applicable land and resource management plan; and

''(ii) applicable laws (including regulations).

''(3) INCLUSIONS.—Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

''(A) zip lines;

''(B) mountain bike terrain parks and trails;

''(C) frisbee golf courses; and

''(D) ropes courses.

''(4) EXCLUSIONS.—Activities and facilities that are prohibited under paragraph (1) include—

''(A) tennis courts;

''(B) water slides and water parks;

''(C) swimming pools;

''(D) golf courses; and

''(E) amusement parks.

''(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

''(6) BOUNDARY DETERMINATION.—In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

''(7) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit.'';

(5) by striking subsection (d) (as redesignated by paragraph (3)), and inserting the following:

''(d) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to implement this section.''; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking ''the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act'' and inserting ''the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)''.

SEC. 4. EFFECT.

Nothing in the amendments made by this Act establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

By Mr. UDALL of Colorado:

S. 383. A bill to promote the domestic production of critical minerals and materials, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to address an issue that affects both our economic and national security—critical minerals and materials. These materials are used in everything from wind turbines to cell phones to weapons guidance systems. However, these materials are primarily imported—many from China—and not always readily available. For example, several clean energy technologies—including wind turbines, batteries and solar panels—require materials that are at risk of supply disruptions. According to the Department of Energy, clean energy technologies currently constitute 20 percent of global consumption of critical materials. As clean energy technologies are deployed more widely in the decades ahead, demand for critical materials will likely grow.

Furthermore, these materials are needed for a number of products essential to protecting our Nation's security, including precision-guided munitions systems, lasers, communication systems, radar systems, avionics, night vision equipment, and satellites. Many of these materials are produced primarily in other countries, and some are not produced in the United States at all.

One group of critical minerals with very high importance today is rare earth elements. The United States was once the primary producer of rare earth materials according to the U.S. Geological Survey, but over the past 15 years we have become 100 percent reliant on imports, with 97 percent coming from China.

When the rare earth industry left the United States, our rare earth materials workforce dwindled as well, leaving very few experts with experience in processing these materials. Currently, there are no curricula in U.S. universities that are geared toward training a new expert workforce; rather, most of the expertise resides in China and Japan. In addition, the U.S.-developed intellectual property for making many of these materials is owned by Japan.

Rare earth materials are not the only critical materials in demand today. Similar supply problems are imminent for other types of minerals and materials that will be essential for the increased deployment of technologies like batteries, solar panels and electric vehicles. Both the Department of Energy and the National Academy of Sciences have identified minerals and materials—such as lithium, manganese and rhodium—that are now or could become critical in the near future.

Today, I am introducing the Critical Minerals and Materials Act of 2011, a bill intended to help build up the supply chain of minerals and materials that are vital for the development of a clean energy economy and for our national defense.

The National Academy of Sciences recommended improved data-gathering by the Federal Government along with research and development to encourage domestic innovation in the area of critical minerals and materials. My bill specifically would direct the Department of Energy to begin research and development on critical minerals and materials in order to strengthen our domestic supply chain. It would also direct the Department of the Interior to lead in gathering information on the current supply chain and to forecast what materials we might need in the future as our clean energy economy develops.

Finally, my bill would build up the workforce necessary for the United States to regain its leadership in the critical minerals and materials industry. Fellow Coloradans in this industry have told me that it is difficult to find qualified workers to hire in the minerals and materials sector. There are good-paying jobs out there waiting to be filled, and more will become available as these industries grow. But we need to make sure our workforce is properly trained to be able to take advantage of these opportunities and retain U.S. expertise in this industry. My bill will provide for such training in the Nation's colleges and universities, as well as in our technical and community colleges.

While there are a great many minerals and materials that are important for our economic and national security, my bill will focus on only the small portion of minerals and materials that have become critical due to their highly vulnerable supply chain. These critical minerals and materials are in danger of becoming simply unavailable or extremely expensive and I believe these deserve extra attention.

We must also recognize that the raw minerals for these critical materials are often on Federal land and are a valuable resource owned by U.S. citizens. Mining for them must be done in a safe and environmentally responsible way—and that is why I continue to support mining law reform. However, we simply cannot be so dependent upon China or any other nation to provide these critical materials. My bill would ensure that the U.S. is armed with a robust domestic supply chain and a skilled workforce needed to produce these materials. I urge my colleagues of both parties to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 383

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Critical Minerals and Materials Promotion Act of 2011''.

SEC. 2. DEFINITION OF CRITICAL MINERALS AND MATERIALS.

In this Act:

(1) IN GENERAL.—The term ''critical minerals and materials'' means naturally occurring, nonliving, nonfuel substances with a definite chemical composition—

(A) that perform an essential function for which no satisfactory substitutes exist; and

(B) the supply of which has a high probability of becoming restricted, leading to physical unavailability or excessive costs for the applicable minerals and materials in key applications.

(2) EXCLUSIONS.—The term ''critical minerals and materials'' does not include ice, water, or snow.

SEC. 3. PROGRAM TO DETERMINE PRESENCE OF AND FUTURE NEEDS FOR CRITICAL MINERALS AND MATERIALS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the United States Geological Survey, shall establish a research and development program—

(1) to provide data and scientific analyses for research on, and assessments of the potential for, undiscovered and discovered resources of critical minerals and materials in the United States and other countries; and

(2) to analyze and assess current and future critical minerals and materials supply chains—

(A) with advice from the Energy Information Administration on future energy technology market penetration; and

(B) using the Mineral Commodity Summaries produced by the United States Geological Survey.

(b) GLOBAL SUPPLY CHAIN.—The Secretary shall, if appropriate, cooperate with international partners to ensure that the program established under subsection (a) provides analyses of the global supply chain of critical minerals and materials.

SEC. 4. PROGRAM TO STRENGTHEN THE DOMESTIC CRITICAL MINERALS AND MATERIALS SUPPLY CHAIN FOR CLEAN ENERGY TECHNOLOGIES.

The Secretary of Energy shall conduct a program of research, development, and demonstration to strengthen the domestic critical minerals and materials supply chain for clean energy technologies and to ensure the long-term, secure, and sustainable supply of critical minerals and materials sufficient to strengthen the national security of the United States and meet the clean energy production needs of the United States, including—

(1) critical minerals and materials production, processing, and refining;

(2) minimization of critical minerals and materials in energy technologies;

(3) recycling of critical minerals and materials; and

(4) substitutes for critical minerals and materials in energy technologies.

SEC. 5. STRENGTHENING EDUCATION AND TRAINING IN MINERAL AND MATERIAL SCIENCE AND ENGINEERING FOR CRITICAL MINERALS AND MATERIALS PRODUCTION.

(a) IN GENERAL.—The Secretary of Energy shall promote the development of the critical minerals and materials industry workforce in the United States.

(b) SUPPORT.—In carrying out subsection (a), the Secretary shall support—

(1) critical minerals and materials education by providing undergraduate and graduate scholarships and fellowships at institutions of higher education, including technical and community colleges;

(2) partnerships between industry and institutions of higher education, including technical and community colleges, to provide onsite job training; and

(3) development of courses and curricula on critical minerals and materials.

SEC. 6. SUPPLY OF CRITICAL MINERALS AND MATERIALS.

(a) POLICY.—It is the policy of the United States to promote an adequate and stable

supply of critical minerals and materials necessary to maintain national security, economic well-being, and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs.

(b) IMPLEMENTATION.—To implement the policy described in subsection (a), the President, acting through the Executive Office of the President, shall—

(1) coordinate the actions of applicable Federal agencies;

(2) identify critical minerals and materials needs and establish early warning systems for critical minerals and materials supply problems;

(3) establish a mechanism for the coordination and evaluation of Federal critical minerals and materials programs, including programs involving research and development, in a manner that complements related efforts carried out by the private sector and other domestic and international agencies and organizations;

(4) promote and encourage private enterprise in the development of economically sound and stable domestic critical minerals and materials supply chains;

(5) promote and encourage the recycling of critical minerals and materials, taking into account the logistics, economic viability, environmental sustainability, and research and development needs for completing the recycling process;

(6) assess the need for and make recommendations concerning the availability and adequacy of the supply of technically trained personnel necessary for critical minerals and materials research, development, extraction, and industrial practice, with a particular focus on the problem of attracting and maintaining high quality professionals for maintaining an adequate supply of critical minerals and materials; and

(7) report to Congress on activities and findings under this subsection.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. PORTMAN, Mr. DURBIN, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. COONS, Mr. BARRASSO, Ms. MIKULSKI, Mr. BURR, Mr. LAUTENBERG, Mr. KERRY, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. MERKLEY, Mr. LIEBERMAN, Mr. MORAN, Mr. COCHRAN, Mrs. MURRAY, Mr. ENSIGN, Mr. NELSON of Nebraska, and Mr. HATCH):

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator HUTCHISON to introduce legislation to reauthorize the extraordinarily successful Breast Cancer Research Stamp for 4 additional years.

Without Congressional action, this important stamp will expire on December 31 of this year.

This stamp deserves to be extended as it has proven to be highly effective.

Since 1998, over 907 million breast cancer research stamps have been sold—raising over $72 million for breast cancer research.

Furthermore, in October 2007, the Government Accountability Office, GAO, released a report showing that the Breast Cancer Research Stamp has been a success and an effective fundraiser in the effort to increase funds to fight the disease.

The National Institutes of Health, NIH, and the Department of Defense have received approximately $50.4 million and $21.6 million, respectively, putting these research dollars to good use by funding innovative advances in breast cancer research.

For example, in 2006, NIH began funding the Trial Assigning Individualized Options for Treatment Program, TAILORx, with proceeds from the Breast Cancer Research Stamp. The trial is designed to determine which patients with early stage breast cancer would be more likely to benefit from chemotherapy and, therefore, reduce the use of chemotherapy in those patients who are unlikely to benefit. The goal of TAILORx is to determine the most effective current approach to cancer treatment, with the fewest side effects, for women with early-stage breast cancer by using a validated diagnostic test.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. Every dollar we continue to raise will help save lives.

One cannot calculate in dollars and cents how the stamp has focused public awareness on this terrible disease and the need for additional research funding.

There is still so much more to do because this disease has far reaching effects on our Nation.

Breast cancer is the second most commonly diagnosed cancer among women after skin cancer.

More than 2.5 million women in the U.S. are living with breast cancer today.

Over 200,000 women have been diagnosed with cancer in each of the past few years, and will be diagnosed in the coming year.

Though male breast cancer is much less common, 1,970 men were diagnosed with breast cancer last year.

This legislation would extend the authorization of the Breast Cancer Research stamp for 4 additional years—until December 31, 2015.

It also will allow the stamp to continue to have a surcharge above the value of a first-class stamp with the surplus revenues going to breast cancer research.

It will not affect any other semipostal proposals under consideration by the U.S. Postal Service.

I urge my colleagues to join me and Senator HUTCHISON in passing this important legislation to extend the Breast Cancer Research Stamp for another 4 years.

Until a cure is found, the money from the sale of this unique postal stamp will continue to focus public awareness on this devastating disease and provide hope to breast cancer survivors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 384

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

SECTION 1. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking ''2011'' and inserting ''2015''.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, Mr. CONRAD, and Mr. FRANKEN):

S. 385. A bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I again introduce legislation to correct an inequity in the U.S. Department of Justice's Public Safety Officers Benefits, PSOB, Program, by extending benefits to nonprofit Emergency Medical Services, EMS, providers who die or are permanently disabled in the line of duty. I am pleased to be joined in this effort by Senator SANDERS and Senator SCHUMER.

The legislation is named after Dale Long, a long-time paramedic and shift supervisor with the Bennington Rescue Squad in Vermont. Dale Long died two years ago in a tragic, on-duty accident while treating and transporting a patient. He had a superb 25-year career as a Vermont paramedic. He helped many, many people in ways they will never forget, and Dale Long will not be forgotten.

I had the pleasure and honor of meeting Dale in 2009—less than two months before his death—when he was in Washington to receive the prestigious Star of Life Award from the American Ambulance Association. Dale earlier had received Vermont's EMS Advanced Rescuer of the Year Award, in 2008. In 2010, Dale was honored as part of the National EMS Memorial Service.

Dale's tragic passing highlighted a major shortcoming in the current PSOB program, which Congress established more than 30 years ago to lend a hand to police officers, firefighters and medics who lose their lives or are permanently disabled in the line of duty. The current benefit only applies to public safety officers employed by a Federal, State, or local government entity. With many communities around the United States choosing to have their emergency medical services provided by nonprofit agencies, medics working for these nonprofit services unfortunately are not eligible for this help under the PSOB program.

Nonprofit public safety officers provide identical services to governmental officers and do so daily in the same dangerous environments. With a renewed appreciation for the vital and timely community service of first responders since the national tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act will correct this inequality by extending the PSOB program to cover nonprofit EMS officers who provide emergency medical and ground or air ambulance service. These emergency professionals protect and promote the public good of the communities they serve, and we should not unfairly penalize them and their families simply because they work or volunteer for a nonprofit organization.

The modest cost of this remedy also is fully offset and will not add to the federal deficit.

This is a carefully crafted, commonsense remedy to a clear discrepancy in the law. I am pleased with the widespread support this bill has earned. Momentum continues to build for this solution, and I will keep at this effort until the Dale Long Emergency Medical Service Provider Protection Act becomes the law of the land.

I thank several first responder organizations—including the American Ambulance Association, the National Association of EMTs, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the Fraternal Order of Police—for their support of this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 385

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dale Long Emergency Medical Service Providers Protection Act''.

SEC. 2. ELIGIBILITY.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a pre-hospital emergency medical response agency;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.''.

SEC. 3. OFFSET.

Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, $12,000,000 are permanently cancelled.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply only to injuries sustained on or after June 1, 2009.

By Mr. DURBIN (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 386. A bill to provide assistance to certain employers and States in 2011 and 2012, to improve the long-term solvency of the Unemployment Compensation program, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, employers in several States, including Illinois, are facing an automatic tax increase if Congress doesn't do something. That is right. Businesses that are struggling in this recession face a Federal tax coming their way if we don't act.

I am introducing a bill today that will prevent that. This is a time when we need to help businesses—small businesses in particular—to spend every dime they have on hiring people looking for work.

Here is why I am introducing the bill.

Current law requires States that have overdrawn their unemployment insurance trust funds to raise taxes on employers to fill that deficit. The recession put tens of millions of Americans out of work, and the number of people who have been unable to find new work for more than 6 months is unprecedented in recent history. Unemployment insurance has helped these families through a difficult time, and it has been a good investment. It is money that has been given to the unemployed that is quickly put back into the economy, creating demands for goods and services.

The Congressional Budget Office ranks unemployment benefit payments as one of the most stimulative things we can do to turn this economy around. So we know it is good economics. That spending is going to help drive up demand for what private companies sell, which encourages them to hire more workers. But the ferocity of the economic downturn has strained the unemployment insurance trust fund in many States.

Let me be clear. This problem has nothing to do with the operating deficits many States are facing. That is a bigger but unrelated problem. The UI trust funds can only be used by States to pay unemployment insurance, and it is these trust funds that we need to return to solvency. That is what the Unemployment Insurance Solvency Act, which I have introduced, would do.

Here is what it specifically sets out to accomplish:

First, it would waive the requirement that States immediately charge local employers higher taxes for the next 2 years. This would save companies located in my State of Illinois, for example, over $300 billion over the next 2 years and save businesses nationwide between $8 billion and $11 billion between now and the end of 2013.

Second, it would waive the interest payments that States would otherwise be required to pay for the next 2 years. That is going to save Illinois $200 million in interest payments over the next 2 years.

Finally, it gives States—Governors, State legislatures, and local employers working together—greater flexibility in figuring out how to replenish their unemployment trust fund starting in 2014.

It would give States three options to explore: First, to restructure their UI tax base and rates to fill any hole in the trust fund; second, seek forgiveness from the Federal Government for a portion of the debts the State might owe to its trust fund in return for entering into a long-term solvency plan with the Department of Labor to protect the interests of the jobless who need unemployment insurance; third, maintain existing solvency that a State has already achieved, earning higher Federal UI interest payments and lower Federal UI taxes for its employers.

The President included a version of this proposal in his budget he submitted to Congress on Monday. I commend him for it.

With 13.9 million people out of work and $14 trillion in Federal debt, we need to find creative solutions to solve problems facing workers and employers. This bill I have introduced, cosponsored by Senator JACK REED of Rhode Island and Senator SHERROD BROWN of Ohio, is one that I think addresses this issue in a proper manner. It removes this new burden on small businesses, a tax burden which can only hold them back from hiring the people they need and reducing unemployment, and it gives to States that are hard-pressed because of other financial problems at least 2 years where they don't need to pay the interest they owe on the money for unemployment insurance. It is a stopgap emergency measure supported by the Obama administration which I am happy to introduce.

This bill will prevent immediate tax increases on employers. It ensures unemployment insurance will be there when workers need it. And it does not raise the Federal debt. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 386

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Unemployment Insurance Solvency Act of 2011''.

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

SEC. 2. EXTENSION OF ASSISTANCE FOR STATES WITH ADVANCES.

(a) IN GENERAL.—Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking ''2010'' and inserting ''2012'' in the matter preceding clause (i).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 2004 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111–5; 123 Stat. 443).

SEC. 3. REDUCTION IN THE RATE OF EMPLOYER TAXES.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking ''2010 and the first 6 months of calendar year 2011'' and inserting ''2013''; and

(2) in paragraph (2), by striking ''6.0 percent in the case of the remainder of calendar year 2011'' and inserting ''5.78 percent in the case of calendar year 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date of the enactment of this Act; or

(2) July 1, 2011.

SEC. 4. MODIFICATIONS OF EMPLOYER CREDIT REDUCTIONS.

(a) LIMIT ON TOTAL CREDITS.—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking ''90 percent of the tax against which such credits are allowable'' and inserting ''an amount equal to 5.4 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c))''; and

(2) in paragraph (2)—

(A) by striking subparagraphs (B) and (C) and the flush matter following subparagraph (C);

(B) by striking ''(2) If'' and inserting ''(2)(A) If'';

(C) by striking ''(A)(i) in'' and inserting ''(i) in'';

(D) in clause (i) of subparagraph (A), as redesignated by subparagraph (C), by striking ''5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State'' and inserting ''an amount equal to 0.3 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c))'';

(E) in clause (ii) of subparagraph (A)—

(i) by moving such clause 2 ems to the left;

(ii) by striking ''5 percent, for each such succeeding taxable year, of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State;'' and inserting ''an amount equal to 0.3 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c)), for each succeeding taxable year;''; and

(iii) by striking the semicolon at the end and inserting a period; and

(F) by adding at the end the following new subparagraph:

''(B) The provisions of subparagraph (A) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year by deeming January 1, 2013 to be the first January 1 occurring after January 1, 2010. For purposes of subparagraph (A), consecutive taxable years in the period commencing January 1, 2013, shall be determined as if the taxable year which begins on January 1, 2013, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for taxable years beginning January 1, 2011 and January 1, 2012.''.

(b) DEFINITIONS AND SPECIAL RULES.—Section 3302(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraphs (1), (4), (5), (6), and (7); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on January 1, 2011.

SEC. 5. INCREASE IN THE TAXABLE WAGE BASE.

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b), by striking ''$7,000'' both places it appears and inserting ''the applicable wage base amount (as defined in subsection (v)(1))''; and

(2) by adding at the end the following new subsection:

''(v) APPLICABLE WAGE BASE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (b)(1), the term 'applicable wage base amount' means—

''(A) for a calendar year before calendar year 2014, $7,000;

''(B) for calendar year 2014, $15,000; and

''(C) for calendar years beginning on or after January 1, 2015, the amount determined under paragraph (2).

''(2) AMOUNT FOR CALENDAR YEAR 2015 AND THEREAFTER.—

''(A) AMOUNT.—

''(i) IN GENERAL.—For purposes of paragraph (1)(C), the amount determined under this paragraph for a calendar year is an amount equal to the product of—

''(I) the amount of average wage growth for the year (as determined in accordance with subparagraph (B)); and

''(II) the applicable wage base amount for the preceding calendar year.

''(ii) ROUNDING.—If the amount determined under clause (i) is not a multiple of $100, such amount shall be rounded to the next higher multiple of $100.

''(B) AVERAGE WAGE GROWTH.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the amount of annual wage growth for a calendar year shall be determined by dividing the average annual wage in the United States for the 12-month period ending on the June 30 of the preceding calendar year by the average annual wage in the United States for the 12-month period ending on the second prior June 30, and rounding such ratio to the fifth decimal place.

''(ii) AVERAGE ANNUAL WAGE.—For purposes of clause (i), using data from the Quarterly Census of Employment and Wages (or a successor program), the average annual wage for a 12-month period shall be determined by dividing the total covered wages subject to contributions under all State unemployment compensation laws for such period by the average covered employment subject to contributions under all State unemployment compensation laws for such period, and rounding the result to the nearest whole dollar.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. VOLUNTARY STATE AGREEMENTS TO ABATE PRINCIPAL ON FEDERAL LOANS.

(a) IN GENERAL.—Section 1203 of the Social Security Act (42 U.S.C. 1323) is amended—

(1) by inserting ''(a) ADVANCES.—'' after ''1203''; and

(2) by adding at the end the following new subsection:

''(b) VOLUNTARY ABATEMENT AGREEMENTS.—

''(1) IN GENERAL.—The governor of any State that has outstanding repayable advances from the Federal unemployment account pursuant to subsection (a) may apply to the Secretary of Labor to enter into a voluntary principal abatement agreement.

''(2) CONTENTS OF APPLICATION.—An application described in paragraph (1) shall include a plan that, based upon reasonable economic projections, describes how the State will, within a reasonable period of time—

''(A) repay the outstanding principal on its remaining advance to the Federal unemployment account, less the amount of the principal abatement pursuant to paragraph (4); and

''(B) restore the solvency of the State's account in the Unemployment Trust Fund to an average high cost multiple of 1.0, as calculated and defined by the United States Department of Labor.

''(3) REQUIREMENT FOR PLAN.—A plan described in paragraph (2) shall be premised on the existing unemployment compensation law of the State and may take into consideration the enactment of any changes in law scheduled to become effective during the life of the plan.

''(4) AGREEMENT.—Upon review of the application and satisfaction that the State's plan will meet the repayment and solvency goals described in paragraph (2), the Secretary of Labor may enter into a principal abatement agreement with the State. Such an agreement shall be for a period of no more than 7 years.

''(5) CALCULATION.—Under any voluntary abatement agreement under this subsection, the amount of principal abatement shall be calculated as follows:

''(A) The State's repayable advances as of the date of the enactment of this subsection or December 31, 2011, whichever is earlier, shall be multiplied by a loan forgiveness multiplier.

''(B) The State's loan forgiveness multiplier shall be calculated on the same basis as the temporary increase of Medicaid FMAP under section 5001(c)(2)(A) of division B of the American Recovery and Reinvestment Act of 2009, using the State's additional FMAP tier as of December 31, 2010. In the case of a State that meets the criteria described in—

''(i) clause (i) of such section 5001(c)(2)(A), the loan multiplier shall be 0.2.

''(ii) clause (ii) of such section 5001(c)(2)(A), the loan multiplier shall be 0.4.

''(iii) clause (iii) of such section 5001(c)(2)(A), the loan multiplier shall be 0.6.

''(C) The annual amount of principal abatement shall equal one-seventh of the total amount of principal abatement.

''(6) CERTIFICATION.—Under any voluntary abatement agreement under this subsection,

the State shall certify that during the period of the agreement—

''(A) the method governing the computation of regular unemployment compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular unemployment compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular unemployment compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

''(B) State law will not be modified in a manner such that any unemployed individual who would be eligible for regular unemployment compensation under the State law in effect on such date of enactment would be ineligible for regular unemployment compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment;

''(C) State law will not be modified in a manner such that the maximum amount of regular unemployment compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular unemployment compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment; and

''(D) upon a determination by the Secretary of Labor that the State has modified State law in a manner inconsistent with the certification described in the preceding provisions of this paragraph or has failed to comply with any certifications required by this paragraph, the State shall be liable for any principal previously abated under the agreement.

''(7) TRANSFER.—Under a voluntary abatement agreement under this subsection, a transfer of the annual amount of the principal abatement shall be made to the State's account in the Unemployment Trust Fund on December 31st of the year in which the agreement is executed so long as the State has complied with the terms of the agreement. For each subsequent year that the Secretary of Labor certifies that the State is in compliance with the terms of the agreement, the annual amount of the State's principal abatement will be credited to its outstanding loan balance. If the loan balance reaches zero while the State still has a remaining principal abatement amount, the remaining amount shall be made as a positive balance transfer to the State's account in the Unemployment Trust Fund.

''(8) REGULATIONS.—The Secretary of Labor shall promulgate such regulations as are necessary to implement this subsection. Such regulations shall include—

''(A) standards prescribing a reasonable period of time for a State plan to reach a solvency level equal to an average high cost multiple of 1.0, taking into account the economic conditions and level of insolvency of the State,; and

''(B) guidelines for insuring progress toward solvency for States with agreements that include plans that require more than 7 years to reach an average high cost multiple of 1.0.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 7. REWARDS AND INCENTIVES FOR SOLVENT STATES AND EMPLOYERS IN THOSE STATES.

(a) INCREASED INTEREST FOR SOLVENT STATES.—

(1) IN GENERAL.—Section 904(e) of the Social Security Act (42 U.S.C. 1104(e)) is amended by adding at the end the following new flush sentences:

''The separate book account for each State agency shall be augmented by 0.5 percent over the rate of interest provided in subsection (b) when the State maintains reserves in the account that equal or exceed an average high cost multiple of 1.0 as defined by the Secretary of Labor as of December 31st of the preceding year. The State may apply the additional funds to support State administration pursuant to the requirements in section 903(c).''.

(b) LOWER RATE OF TAX FOR SOLVENT STATES.—

(1) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986, as amended by section 3, is amended by adding at the end the following new sentence: ''For the second 6-month period of 2011 or for each calendar year thereafter, in the case of a State that maintains reserves in the State's separate book account that equal or exceed an average high cost multiple of 1.0 as of December 31st of the year preceding the period or year involved, paragraph (1) shall be applied for such period or year in the State by substituting '6.0 percent' for '6.2 percent' or, as the case may be, paragraph (2) shall be applied for such period or year in the State by substituting '5.68 percent' for '5.78 percent'.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of the enactment of this Act; or

(B) July 1, 2011.

By Mrs. BOXER (for herself, Mr. CASEY, Mr. TESTER, Mr. MANCHIN, Mr. WARNER, Mr. WYDEN, Mr. BENNET, and Mr. NELSON of Nebraska):

S. 388. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, I send a bill to the desk on behalf of myself and Senators CASEY, TESTER, MANCHIN, WARNER, and WYDEN.

I want to explain it. I hope we will see action on this bill in the near future because we are on very delicate ground right now as we try to resolve the budget issues before us.

We have two sides to the legislative branch—the House and the Senate. I think we have very different approaches to this deficit problem which is quite real. Both sides should be respectful of each other. But the messages I am getting via the media in terms of the language being used on the other side is: We don't really much care what the Senate thinks. It is kind of ''our way or the highway'' type of rhetoric.

The problem with this is that the type of cuts that are coming from the House side, from our Republican friends over there, a columnist tells us will cost 800,000 jobs to this Nation. Mr. President, 800,000 jobs will be lost if we do not make some changes to what they have done.

As someone from a State that has a very tough economic climate and trying to climb out of this recession, that is just extreme. It is just extreme.

Are we willing to make cuts? Yes. It is my belief both sides have to sit down and work this out. We believe there are cuts to be made. They have come out with cuts. We need to work together. But here is what troubles me, and this is why I introduce this legislation. What troubles me is there seems to be more and more threats of a government shutdown. In the early days of the new House leadership we did not hear that. Now we are hearing it.

In Politico, one of the headlines recently said: ''McConnell won't take shutdown off the table.'' That refers to our Republican leader.

In Reuters, Republican majority leader ERIC CANTOR ''refused . . . to rule out the possibility of a government shutdown.''

Republican Senator MIKE LEE said: ''The 1995 government shutdown was just an inconvenience.''

I have to tell you, it is a lot more than an inconvenience when senior citizens cannot get help getting their Social Security or veterans on disability cannot get their help. Hospitals close down. Projects shut down. These are real people out there. A lot of contractors in the private sector rely on the government operating, such as road projects, bridges being repaired, and the rest. It is radical to say that a government shutdown is an inconvenience. It is a failure. A government shutdown is a failure of those of us who are here to act like adults and resolve our differences.

CNN said:

Top Republican on the Senate Budget Committee said he's not ruling out the possibility of a government shutdown.

The way Speaker BOEHNER spoke today had, to me, kind of a ''take it or leave it'' tone to it.

I have to tell you, that budget over there not only threatens 800,000 jobs, but they legislated on appropriations. They legislated on an appropriations bill. They decided that women should not have access to a full range of reproductive health care. They are bringing in the issue of abortion on a budget bill. I think the issue of a woman's right to choose and her reproductive health care and getting Pap screenings and cancer screenings is important, and we should debate that. If people want to repeal Roe v. Wade, let's debate that here.

What they have done with the Clean Air Act—and I know my friend sitting in the chair cares so much about this issue. The Clean Air Act was brought to us by Richard Nixon. It had bipartisan support.

What they do is prohibit the Environmental Protection Agency from enforcing the Clean Air Act as it relates to carbon pollution—pollution that is dangerous for our families, that endangers the lives and health of our families. That is what the Bush administration said when they were in charge, let alone the Obama administration.

Rather than bringing to the floor a bill to repeal the Clean Air Act—I

would welcome that debate, and I know my friend would as well—they do this through the back door and tell the Environmental Protection Agency they cannot protect us from pollution.

That is not what the American people expect to be in a simple budget document. We have to cut some programs. Let's cut some programs. Let's not change abortion law on it. Let's not bring up how to repeal the Clean Air Act on it. Let's not eviscerate law settlements. They have done a range of things which require debate. I would love to put these questions to the American people. I can tell you that people in my home State think government has no business in the issue of a woman's health. Stay away. That is what they say. We will make up our own minds. Some of us are pro-choice, some of us are not, but don't tell us what to believe. That is the thought of the majority of the people in my State. They do not want Big Brother and the government telling people what to do. Yet they put it on a budget bill. That doesn't make any sense.

Let me tell you, the people in my State want clean air. In all the years I have been in office—and the President and I have been around a while and holding different offices—not one of my constituents has ever came up to me and said: BARBARA, we need dirty air. The air is too clean. The water is too pure. The lakes are too pristine. The beaches are gorgeous. No. They want us to make sure we protect them from pollution so their kids can breathe the air and not get asthma. So our friends on the other side have these gargantuan cuts, and in addition to these cuts—which will cost us, according to Senator INOUYE, 800,000 jobs—800,000 jobs—they have legislated issues that are contentious and don't belong on a budget bill.

Here is the deal. I am worried they might say to us: It is our way or the highway. I am worried about that. That is what I am starting to hear. They may lead us into a government shutdown if we fail to act like adults and resolve this and keep the contentious issues off the budget and cut reasonably and sensibly so we don't cause more unemployment. If we can figure that out and meet each other halfway and everything else you do when you compromise, we will be fine. But if that isn't the case, I wish to be sure Members of Congress suffer just as much as any Federal employee. So I have written this bill, with my colleagues, to say that in the event of a government shutdown or a failure to lift the debt ceiling and we start defaulting on our commitments, Members of Congress will not get paid because Members of Congress don't deserve to be paid if we can't act like adults and negotiate this.

I am so tired of the hypocrisy I have seen. I know it is a strong word, and I am not leveling it at any particular individual, but I have to tell you, there are Members of the House who said ObamaCare is terrible, but then they took it for themselves. So what price are they paying? They vote no on health care for everybody else, but they keep government health care. It is wrong. A lot of them are sleeping in their offices. Tell me one other person who is allowed to sleep in the office of their corporation they work for. As far as I know, there is nobody. They do not pay any rent. They sleep in their offices.

So they do all these things: They do not help the housing crisis. They sleep in their offices. They would not vote for health care, but they take government health care. Now they might shut down the government. Yet while Federal employees will not get paid, they will get paid—no way, wrong, not fair. They have to pay a price for all their extremism.

So I hope we will pass this bill and send it over to the House and the House can decide if they think this is right. This is what I would like to take to the American people. Because if they shut down the government or they fail to raise the debt ceiling and we start to default and they pay no price, it is not fair. We cannot stamp our feet and say: It is the way I want it or I am taking my marbles and I am going home—or my teddy bear or my blanket or whatever. You can't do that.

This is the greatest country in the world. As my friend, Senator SANDERS, who is in the chair, so beautifully said last night on a news show—and it was so well done—the middle class is hurting. Real income is going down. As we look at these budget cuts, we have to think about that. I am thinking a lot about it, and I am seeing hundreds of thousands of jobs being lost by the middle class, not by the wealthy few. They are not going to be touched by this.

So this is a very simple bill. I will read what it says:

> Members of Congress and the President shall not receive basic pay for any period in which there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or a continuing resolution, or if the Federal Government is unable to make payments or meet obligations because the debt limit has been reached.

So simple. So I am calling on my colleagues on the other side of the aisle to take the option of a government shutdown off the table. I hope this legislation will nudge them in that direction. Let them think about what it is like not to get paid. Because if they shut down the Federal Government, a whole lot of folks would not get paid. A lot of people in the private sector would not get paid and a lot of people on pensions would not get paid. The only people who would be exempted, pretty much, are Members of Congress, and we have to put an end to that dichotomy.

I thank the Chair for all his leadership on behalf of the middle class and the working poor and I think the hypocrisy has to end. I feel we have to come to this floor and start telling the American people the truth. The truth is: The cuts over there on the other side are going to hurt the middle class. They are extreme. They have added language that doesn't belong on a budget bill. Even though they said they were about jobs, jobs, jobs, and maybe they were—how to lose another 800,000 jobs, maybe that is what they meant—nobody thought the first thing they would do is come in and attach abortion language and family planning language and eviscerate the EPA's ability to clean up carbon pollution on a budget bill. So we have to start letting the American people know because they are busy and they do not get to read all the ins and outs of what happens here. We have to put it in straightforward language.

Today is a very good day in the Senate. We have been brought together, and a lot of that credit goes to Senator ROCKEFELLER and Senator HUTCHISON. I am proud to serve on their committee. We are doing a good job and working together. We have worked out our problems. We had problems with new flights out of National, and no one thought we could resolve it. But we were happy to work together—Republicans, Democrats, people from the East and the West and the Midwest—and we showed we can do something here today. As a result, we are about to pass a very good bill.

My own bill of rights is in this bill, and I am thrilled about that. It was a Boxer-Snowe bill. It has been incorporated in here. It says if you get stuck on an airline, you should be able to expect that you will have water and nourishment and that the toilets will not be overflowing and that if the plane is stuck for 3 hours, you should be able to have the option to get off that flight.

So listen, there are good things we can do. We have proven it here today. But I am getting increasingly nervous about the threats of a government shutdown. I think if Members know it isn't just pain that is going to be inflicted on someone else but they will have pain inflicted on themselves and their families as well, maybe they will take that option off the table.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 393. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with my colleague, Senator GRASSLEY, the Prescribe a Book Act. I thank Senators BEGICH, BLUMENTHAL, COLLINS, KERRY, LAUTENBERG, SANDERS, STABENOW, and WHITEHOUSE for joining us as original cosponsors of this bipartisan bill.

Our legislation would create a federal pediatric early literacy grant initiative

based on the long-standing, successful Reach Out and Read program. The program would award grants on a competitive basis to high-quality non-profit entities to train doctors and nurses in advising parents about the importance of reading aloud and to give books to children at pediatric check-ups from 6 months to 5 years of age, with a priority for children from low-income families. It builds on the relationship between parents and medical providers and helps families and communities encourage early literacy skills so children enter school prepared for success in reading.

Since fiscal year 2000, Federal funding for Reach Out and Read through the Department of Education has been an essential piece of a successful public-private partnership that has been matched by tens of millions of dollars from the private sector and State governments. This funding has supported the training of nearly 50,000 health care providers in literacy promotion, and the operation of programs in more than 4,100 clinics and hospitals nationwide, including the 40 sites that operate in Rhode Island. The Prescribe a Book Act would establish a formal authorization for this successful partnership activity.

The Reach Out and Read model has consistently demonstrated effectiveness in increasing parent involvement and boosting children's reading proficiency. Research published in peer-reviewed, scientific journals has found that parents who have participated in the program are significantly more likely to read to their children and include more children's books in their home, and that children served by the program show an increase of 4–8 points on vocabulary tests. I have seen upclose the positive impact of this program on children and their families when visiting a number of Rhode Island's Reach Out and Read sites.

I urge my colleagues to cosponsor the Prescribe a Book Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 393

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prescribe A Book Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit organization that has, as determined by the Secretary, demonstrated effectiveness in the following areas:

(A) Providing peer-to-peer training to healthcare providers in research-based methods of literacy promotion as part of routine pediatric health supervision visits.

(B) Delivering a training curriculum through a variety of medical education settings, including residency training, continuing medical education, and national pediatric conferences.

(C) Providing technical assistance to local healthcare facilities to effectively implement a high-quality Pediatric Early Literacy Program.

(D) Offering opportunities for local healthcare facilities to obtain books at significant discounts, as described in section 7.

(E) Integrating the latest developmental and educational research into the training curriculum for healthcare providers described in subparagraph (B).

(2) PEDIATRIC EARLY LITERACY PROGRAM.—The term ''Pediatric Early Literacy Program'' means a program that—

(A) creates and implements a 3-part model through which—

(i) healthcare providers, doctors, and nurses, trained in research-based methods of early language and literacy promotion, encourage parents to read aloud to their young children, and offer developmentally appropriate recommendations and strategies to parents for the purpose of reading aloud to their children;

(ii) healthcare providers, at health supervision visits, provide each child between the ages of 6 months and 5 years a new, developmentally appropriate children's book to take home and keep; and

(iii) volunteers in waiting areas of healthcare facilities read aloud to children, modeling for parents the techniques and pleasures of sharing books together;

(B) demonstrates, through research published in peer-reviewed journals, effectiveness in positively altering parent behavior regarding reading aloud to children, and improving expressive and receptive language in young children; and

(C) receives the endorsement of nationally recognized medical associations and academies.

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

SEC. 3. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to eligible entities to enable the eligible entities to implement Pediatric Early Literacy Programs.

SEC. 4. APPLICATIONS.

An eligible entity that desires to receive a grant under section 3 shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

SEC. 5. MATCHING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the grant received by the eligible entity under section 3. Such matching funds may be in cash or in-kind.

SEC. 6. USE OF GRANT FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall—

(1) enter into contracts with private nonprofit organizations, or with public agencies, selected based on the criteria described in subsection (b), under which each contractor will agree to establish and operate a Pediatric Early Literacy Program;

(2) provide such training and technical assistance to each contractor of the eligible entity as may be necessary to carry out this Act; and

(3) include such other terms and conditions in an agreement with a contractor as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(b) CONTRACTOR CRITERIA.—Each contractor shall be selected under subsection (a)(1) on the basis of the extent to which the contractor gives priority to serving a substantial number or percentage of at-risk children, including—

(1) children from families with an income below 200 percent of the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved, particularly such children in high-poverty areas;

(2) children without adequate medical insurance;

(3) children enrolled in a State Medicaid program, established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) children living in rural areas;

(5) migrant children; and

(6) children with limited access to libraries.

SEC. 7. RESTRICTION ON PAYMENTS.

The Secretary shall make no payment to an eligible entity under this Act unless the Secretary determines that the eligible entity or a contractor of the eligible entity, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts that are at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

SEC. 8. REPORTING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall report annually to the Secretary on the effectiveness of the program implemented by the eligible entity and the programs instituted by each contractor of the eligible entity, and shall include in the report a description of each program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $15,000,000 for fiscal year 2012 and such sums as may be necessary for each of the succeeding 4 fiscal years.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act, NOPEC. This legislation will authorize our government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. government to fight back against efforts to fix the price of oil and hold OPEC accountable when it acts illegally. Our legislation will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate in the 110th Congress by a vote of 70–23 in June 2007 as an amendment to the 2007 Energy Bill before

being stripped from that bill in the conference committee. The identical House version of NOPEC also passed the other body as stand alone legislation in the 110th Congress in 2007 by an overwhelming 345–72 vote. It is now time for us to at last pass this legislation into law and give our nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Since January 2009 the cost of crude oil has more than doubled, reaching today's level of $96 per barrel. Likewise, throughout 2009 and 2010, gasoline prices have marched steadily upward, soaring to over $3 a gallon in January 2011, a price that has nearly doubled in little over two years. And recently, OPEC ministers indicated that they may decide against an increase an output in 2011, saying in the final days of 2010 that the world economy can tolerate a $100 per barrel price. So it is clear that the global oil cartel remains a major force conspiring to raise oil prices to the detriment of American consumers.

The actions of the OPEC cartel in recent years demonstrate the dangers it presents. A good example occurred at the end of 2008. On October 24, 2008, OPEC agreed to cut production by 1.5 million barrels a day, and less than two months later, on December 17, 2008, OPEC agreed to a further 2.2 million barrels a day production cut. OPEC made no secret of its motivation for these production cuts. OPEC President Chakib Khelil put it very simply in an interview published December 23, 2008, ''Without these cuts, I don't think we'd be seeing $43 [per barrel] today, we'd have seen in the $20's. . . . [H]opefully by the third quarter [of 2009] we will see prices rising.'' In another interview in December, Khelil was quoted as saying ''The stronger the decision [to cut production], the faster prices will pick up.'' Sure enough, oil prices resumed their march upwards in 2009, and now is more than $90 per barrel.

Since cutting its output in this manner at the end of 2008, OPEC has not officially changed its output policy for more than two years. Oil prices have surged nearly $30 since last summer, and OPEC's Secretary General Abdalla Salem El-Badri confirmed there would not be an increase in output, claiming in January 2011 that, ''At the moment there is more than enough oil on the market.''

When the price of crude oil rises as a result of these actions by OPEC, there is no doubt that millions of American consumers feel the pinch every time they visit the gas pump. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged such an international price fixing conspiracy, there would no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in government has yet tried to take any action. This NOPEC legislation will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law.

It is also important to point out that this legislation will not authorize private lawsuits. It only authorizes the Attorney General to file suit under the antitrust laws for redress. It will always be in the discretion of the Justice Department and the President as to whether to take action to enforce NOPEC. Our legislation will not require the government to bring a legal action against OPEC member nations, and no private party will have the ability to bring such an action. This decision will entirely remain in the discretion of the executive branch. Our NOPEC legislation will give our law enforcement agencies a tool to employ against the oil cartel but the decision on whether to use this tool will entirely be up to the Justice Department and, ultimately, the President. They can use this tool as they see fit—to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations warrant it.

NOPEC will also make plain that the nations of OPEC cannot hide behind the doctrines of ''sovereign immunity'' or ''act of state'' to escape the reach of American justice. In so doing, our amendment will overrule one 28 year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. Government has ever had to deter OPEC from its seemingly endless cycle of supply cutbacks designed to raise price. It will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct. It will also deter additional nations who may today be considering joining OPEC.

I urge my colleagues to support our NOPEC legislation so that our nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 394

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Oil Producing and Exporting Cartels Act of 2011'' or ''NOPEC''.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

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

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 398. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other

purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to join with Senator MURKOWSKI, the Ranking Member of the Committee on Energy and Natural Resources, in introducing the Implementation of National Consensus Appliance Agreements Act of 2011, INCAAA. This bill is an updated version of the appliance energy efficiency standards legislation, S. 3925, that apparently came within a single Senate vote of passage by unanimous consent last December, as the 111th Congress drew to a close.

As with the six appliance energy efficiency laws that have been enacted since 1986, this bill enjoys consensus support among appliance manufacturers, energy efficiency advocates, and consumer groups. Such broad support is to be expected, given the bill's many benefits. It would reduce the regulatory burden on appliance manufacturers, increasing their profitability and their ability to protect and create jobs; reduce national energy and water demand, slowing the need for new energy and water supplies, freeing capital for other investments and making our economy more competitive overall; save consumers money on their monthly energy and water bills, freeing household income for spending in other areas; and reduce power plant emissions and other environmental costs of energy production.

At the core of this bill are the appliance efficiency provisions that were reported with bipartisan support from the Committee on Energy and Natural Resources in 2009 as a part of the comprehensive energy legislation, the American Clean Energy Leadership Act, ACELA, S. 1462. INCAAA also includes the amendments reported from the Committee in May 2010 to enhance ACELA. Finally, INCAAA includes several more-recent agreements and revisions on appliance efficiency that have been reached by industry, energy advocacy, and consumer stake holders.

I note that there are continuing discussions among stakeholders on Section 2(a) regarding the definition of ''energy conservation standard'' and whether this term should allow an efficiency standard to have more than one metric. For example, that a standard could require a specified energy efficiency and also, say, specific water efficiency or smart grid capability, or some other additional performance measures. Stakeholders have agreed to allow inclusion of this provision in the bill for the purposes of introduction while discussions continue. Also under continuing discussion are provisions regarding reflector lamps. The Department of Energy is scheduled to complete its current rulemaking for these products this August and stakeholders continue to negotiate what guidance could be given the Department for future rulemakings. I am committed to working with all stakeholders to resolve these issues as the legislative process moves forward.

From a business point-of-view, INCAAA's greatest value is as a regulatory-reform bill. 25 years ago, the national appliance market was in danger of become unmanageably Balkanized because certain States were beginning to enact appliance efficiency standards in response their power supply problems. Faced with a growing patchwork of state standards, industry joined with energy efficiency and consumer groups to support Federal authority to preempt state standards and thereby assure a single national market for appliances.

INCAAA, as with the five appliance standards laws enacted since 1986, would go a step further than simple Federal pre-emption of state standards by enacting consensus standards that are negotiated among the stakeholders as the Federal standards. By directly enacting consensus standards as Federal standards, these laws have the added benefit of saving the time, cost, and uncertainty associated with a formal Federal rulemaking.

INCAAA would enact standards agreed to by the manufacturers of the covered products and by the Nation's leading energy efficiency groups, the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and the Natural Resources Defense Council. These include new efficiency standards for certain outdoor lighting, as supported by the National Electrical Manufacturers Association and major lighting manufacturers such as General Electric, Osram Sylvania, and Philips; increased efficiency standards for furnaces, heat pumps and central air conditioners, as supported by the Air-Conditioning, Heating and Refrigeration Institute and its dozens of member companies including Carrier, Johnson Controls, Rheem, Lennox, Nordyne, Goodman and Trane. The furnace provisions are also supported by the American Gas Association; and Increased energy and water efficiency standards for refrigerators and freezers, clothes washers and dryers, dishwashers, and room air-conditioners, as supported by the Association of Home Appliance Manufacturers and its many member companies including Electrolux, General Electric, Sub-Zero, and Whirlpool.

INCAAA also includes consensus standards that were earlier reported by the Energy Committee on smaller classes of products such as drinking water dispensers, hot food holding cabinets, electric spas, pool heaters, and consensus standards that were negotiated more recently for service-over-the-counter refrigerators.

The American Council for an Energy-Efficient Economy estimates that INCAAA would save the Nation nearly 850 Trillion Btus of energy each year by 2030—enough energy to meet the needs of 4.6 million typical American households. For comparison, the states of Utah and Connecticut each used just over 800 Trillion Btus of energy in 2008. Result in net economic savings, benefits minus costs, to consumers of more than $43 billion annually by 2030. Save nearly 5 trillion gallons of water annually by 2030, roughly the amount needed to meet the current needs of every customer in Los Angeles for 25 years. Improve the environment by reducing annual carbon dioxide emissions by about 47 million metric tons in 2030.

The Department of Energy's appliance standards program has been one of the nation's most powerful and successful tools for promoting energy and economic efficiency. ACEEE estimates that by 2010 appliance efficiency standards had reduced national non-transportation energy use to 7 percent below what it would otherwise be. For comparison, 7 percent of energy consumption in the U.S. is more than the annual energy consumption of Florida or New York. Standards not only defer the construction of power plants, but also all of their associated costs for planning, siting, operating, fueling, maintaining, and the environmental costs of their emissions, and the costs associated with the distribution of that energy.

Finally, INCAAA contains no authorizations. Based on the CBO analysis conducted last year on ACELA, it is clear that this bill would not incur any no new spending.

This legislation represents government at its best, as a catalyst, bringing together stakeholders on consensus solutions to complex problems. I urge my colleagues to join us in supporting enactment of INCAAA and reaching the goal that was so narrowly missed last December.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 398

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Implementation of National Consensus Appliance Agreements Act of 2011''.

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

SEC. 2. ENERGY CONSERVATION STANDARDS.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause;

''(II) as part of a direct final rule under section 325(p)(4); or

''(III) as part of a final rule published on or after January 1, 2012; and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.''; and

(2) by adding at the end the following:

''(67) EER.—The term 'EER' means energy efficiency ratio.

''(68) HSPF.—The term 'HSPF' means heating seasonal performance factor.''.

(b) EER AND HSPF TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(19) EER AND HSPF TEST PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

''(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

''(ii) the HSPF shall be calculated based on Region IV conditions.

''(B) REVISIONS.—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.''.

(c) CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

''(4) CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 13 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 8.2.

''(II) Single Package Systems: 8.0.

''(B) REGIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

''(I) Split Systems: 14 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) ENERGY EFFICIENCY RATIO.—The energy efficiency ratio of central air conditioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

''(I) Split Systems: 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

''(II) Single Package Systems: 11.0.

''(iii) APPLICATION OF SUBSECTION (o)(6).—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

''(ii) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.—

''(i) FORUM.—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

''(ii) RECOMMENDATION.—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rulemaking process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

''(iii) NO RECOMMENDATION.—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

''(E) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(d) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

''(5) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term 'small duct, high velocity system' means a heating and cooling product that contains a blower and indoor coil combination that—

''(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

''(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

''(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms 'through-the-wall central air conditioner' and 'through-the-wall central air conditioning heat pump' mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

''(I) is not weatherized;

''(II) is clearly and permanently marked for installation only through an exterior wall;

''(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

''(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

''(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

''(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

''(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than 11.00 for products manufactured on or after January 23, 2006.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than 6.8 for products manufactured on or after January 23, 2006.

''(C) RULEMAKING.—

''(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be amended.

''(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.''.

(e) FURNACES.—Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended by adding at the end the following:

''(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—The annual fuel utilization efficiency of non-weatherized furnaces manufactured on or after May 1, 2013, shall be not less than the following:

''(I) Gas furnaces, a level determined by the Secretary in a final rule published not later than June 30, 2011.

''(II) Oil furnaces, 83 percent.

''(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas furnaces manufactured on or after January 1, 2015, shall be not less than 81 percent.

''(B) REGIONAL STANDARD.—

''(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—Not later than June 30, 2011, the Secretary shall—

''(I) publish a final rule determining whether to establish a standard for the annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating degree days equal to or greater than 5,000 (specifically the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming); and

''(II) include in the final rule described in subclause (I) any regional standard established under this subparagraph.

''(ii) APPLICATION OF SUBSECTION (o)(6).—Subsection (o)(6) shall apply to any regional standard established under this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—

''(I) IN GENERAL.—Not later than January 1, 2014, the Secretary shall publish a final rule to determine whether the standards in effect for non-weatherized furnaces should be amended.

''(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2019.

''(ii) WEATHERIZED FURNACES.—

''(I) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standard in effect for weatherized furnaces should be amended.

''(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—

''(I) FINAL RULE PUBLISHED AFTER JANUARY 1, 2011.—As part of any final rule concerning furnace standards published after January 1, 2011, the Secretary shall establish the building code levels referred to in subclauses (I)(aa), (II)(aa), and (III)(aa) of section 327(f)(3)(C)(i) subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(II) FINAL RULE PUBLISHED AFTER JUNE 1, 2013.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in or pursuant to section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

(1) in paragraph (3), by striking subparagraphs (B) through (F) and inserting the following:

''(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered product have an energy efficiency exceeding 1 of the following levels:

''(i) The applicable energy conservation standard established in or prescribed under section 325.

''(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

''(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

''(i) for residential furnaces, central air conditioners, and heat pumps, effective not earlier than January 1, 2013, and until such time as a level takes effect for the product under clause (ii)—

''(I) for the States described in section 325(f)(5)(B)(i)—

''(aa) for gas furnaces, an AFUE level determined by the Secretary; and

''(bb) 14 SEER for central air conditioners (not including heat pumps);

''(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for the States of Arizona, California, Nevada, and New Mexico)—

''(aa) for gas furnaces, an AFUE level determined by the Secretary; and

''(bb) 15 SEER for central air conditioners;

''(III) for the States of Arizona, California, Nevada, and New Mexico—

''(aa) for gas furnaces, an AFUE level determined by the Secretary;

''(bb) 15 SEER for central air conditioners;

''(cc) an EER of 12.5 for air conditioners (not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

''(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

''(IV) for all States—

''(aa) 85 percent AFUE for oil furnaces; and

''(bb) 15 SEER and 8.5 HSPF for heat pumps;

''(ii) the building code levels established pursuant to section 325; or

''(iii) the applicable standards or levels specified in subparagraph (B).

''(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

''(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

''(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

''(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

''(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be specified in units of energy or its equivalent cost).'';

(2) in paragraph (4)(B)—

(A) by inserting after ''building code'' the first place it appears the following: ''contains a mandatory requirement that, under all code compliance paths,''; and

(B) by striking ''unless the'' and all that follows through ''subsection (d)''; and

(3) by adding at the end the following:

''(5) REPLACEMENT OF COVERED PRODUCT.—Paragraph (3) shall not apply to the replacement of a covered product serving an existing building unless the replacement results in an increase in capacity greater than—

''(A) 12,000 Btu per hour for residential air conditioners and heat pumps; or

''(B) 20 percent for other covered products.''.

SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.

(a) DEFINITIONS.—

(1) EFFICIENCY DESCRIPTOR.—Section 321(22) of the Energy Policy and Conservation Act (42 U.S.C. 6291(22)) is amended—

(A) in subparagraph (E), by inserting ''gas-fired'' before ''pool heaters''; and

(B) by adding at the end the following:

''(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.''.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after paragraph (25) the following:

''(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term 'coefficient of performance of heat pump pool heaters' means the ratio of the capacity to power

input value obtained at the following rating conditions: 50.0 °F db/44.2 °F wb outdoor air and 80.0 °F entering water temperatures, according to AHRI Standard 1160.''.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) is amended by inserting ''gas-fired'' before ''pool heaters''.

(b) STANDARDS FOR POOL HEATERS.—Section 325(e)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)(2)) is amended—

(1) by striking ''(2) The thermal efficiency of pool heaters'' and inserting the following:

''(2) POOL HEATERS.—

''(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters''; and

(2) by adding at the end the following:

''(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.''.

SEC. 4. GU–24 BASE LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 2(a)(2)) is amended by adding at the end the following:

''(69) GU–24.—The term 'GU–24' '' means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

''(A) 'G' indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

''(B) 'U' distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

''(C) 24 indicates the distance in millimeters between the electrical contact posts.

''(70) GU–24 ADAPTOR.—

''(A) IN GENERAL.—The term 'GU–24 Adaptor' means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

''(i) connects to a GU–24 socket on 1 end and provides a different type of socket or connection on the other end; and

''(ii) does not alter the voltage.

''(B) EXCLUSION.—The term 'GU–24 Adaptor' does not include a fluorescent ballast with a GU–24 base.

''(71) GU–24 BASE LAMP.—'GU–24 base lamp' means a light bulb designed to fit in a GU–24 socket.''.

(b) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (ii) as subsection (jj); and

(2) by inserting after subsection (hh) the following:

''(ii) GU–24 BASE LAMPS.—

''(1) IN GENERAL.—A GU–24 base lamp shall not be an incandescent lamp as defined by ANSI.

''(2) GU–24 ADAPTORS.—GU–24 adaptors shall not adapt a GU–24 socket to any other line voltage socket.''.

SEC. 5. EFFICIENCY STANDARDS FOR BOTTLE-TYPE WATER DISPENSERS, COMMERCIAL HOT FOOD HOLDING CABINETS, AND PORTABLE ELECTRIC SPAS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 4(a)) is amended by adding at the end the following:

''(72) BOTTLE-TYPE WATER DISPENSER.—The term 'bottle-type water dispenser' means a drinking water dispenser that is—

''(A) designed for dispensing hot and cold water; and

''(B) uses a removable bottle or container as the source of potable water.

''(73) COMMERCIAL HOT FOOD HOLDING CABINET.—

''(A) IN GENERAL.—The term 'commercial hot food holding cabinet' means a heated, fully-enclosed compartment that—

''(i) is designed to maintain the temperature of hot food that has been cooked in a separate appliance;

''(ii) has 1 or more solid or glass doors; and

''(iii) has an interior volume of 8 cubic feet or more.

''(B) EXCLUSIONS.—The term 'commercial hot food holding cabinet' does not include—

''(i) a heated glass merchandising cabinet;

''(ii) a drawer warmer;

''(iii) a cook-and-hold appliance; or

''(iv) a mobile serving cart with both hot and cold compartments.

''(74) COMPARTMENT BOTTLE-TYPE WATER DISPENSER.—The term 'compartment bottle-type water dispenser' means a drinking water dispenser that—

''(A) is designed for dispensing hot and cold water;

''(B) uses a removable bottle or container as the source of potable water; and

''(C) includes a refrigerated compartment with or without provisions for making ice.

''(75) PORTABLE ELECTRIC SPA.—

''(A) IN GENERAL.—The term 'portable electric spa' means a factory-built electric spa or hot tub that—

''(i) is intended for the immersion of persons in heated water circulated in a closed system; and

''(ii) is not intended to be drained and filled with each use.

''(B) INCLUSIONS.—The term 'portable electric spa' includes—

''(i) a filter;

''(ii) a heater (including an electric, solar, or gas heater);

''(iii) a pump;

''(iv) a control; and

''(v) other equipment, such as a light, a blower, and water sanitizing equipment.

''(C) EXCLUSIONS.—The term 'portable electric spa' does not include—

''(i) a permanently installed spa that, once installed, cannot be moved; or

''(ii) a spa that is specifically designed and exclusively marketed for medical treatment or physical therapy purposes.

''(76) WATER DISPENSER.—The term 'water dispenser' means a factory-made assembly that—

''(A) mechanically cools and heats potable water; and

''(B) dispenses the cooled or heated water by integral or remote means.''.

(b) COVERAGE.—

(1) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(A) by redesignating paragraph (20) as paragraph (23); and

(B) by inserting after paragraph (19) the following:

''(20) Bottle-type water dispensers and compartment bottle-type water dispensers.

''(21) Commercial hot food holding cabinets.

''(22) Portable electric spas.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking ''(19)'' each place it appears in subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting ''(23)''.

(B) Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking ''paragraph (19)'' each place it appears in paragraphs (1) and (2) and inserting ''paragraph (23)''.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 2(b)) is amended by adding at the end the following:

''(20) BOTTLE-TYPE WATER DISPENSERS.—

''(A) IN GENERAL.—Test procedures for bottle-type water dispensers and compartment bottle-type water dispensers shall be based on the document 'Energy Star Program Requirements for Bottled Water Coolers version 1.1' published by the Environmental Protection Agency.

''(B) INTEGRAL, AUTOMATIC TIMERS.—A unit with an integral, automatic timer shall not be tested under this paragraph using section 4D of the test criteria (relating to Timer Usage).

''(21) COMMERCIAL HOT FOOD HOLDING CABINETS.—

''(A) IN GENERAL.—Test procedures for commercial hot food holding cabinets shall be based on the test procedures described in ANSI/ASTM F2140–01 (Test for idle energy rate-dry test).

''(B) INTERIOR VOLUME.—Interior volume shall be based under this paragraph on the method demonstrated in the document 'Energy Star Program Requirements for Commercial Hot Food Holding Cabinets' of the Environmental Protection Agency, as in effect on August 15, 2003.

''(22) PORTABLE ELECTRIC SPAS.—

''(A) IN GENERAL.—Test procedures for portable electric spas shall be based on the test method for portable electric spas described in section 1604 of title 20, California Code of Regulations, as amended on December 3, 2008.

''(B) NORMALIZED CONSUMPTION.—Consumption shall be normalized under this paragraph for a water temperature difference of 37 degrees Fahrenheit.

''(C) ANSI TEST PROCEDURE.—If the American National Standards Institute publishes a test procedure for portable electric spas, the Secretary shall revise the procedure established under this paragraph, as determined appropriate by the Secretary.''.

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 4(b)) is amended—

(1) by redesignating subsection (ii) as subsection (mm); and

(2) by inserting after subsection (hh) the following:

''(ii) BOTTLE-TYPE WATER DISPENSERS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011—

''(1) a bottle-type water dispenser shall not have standby energy consumption that is greater than 1.2 kilowatt-hours per day; and

''(2) a compartment bottle-type water dispenser shall not have standby energy consumption that is greater than 1.3 kilowatt-hours per day.

''(jj) COMMERCIAL HOT FOOD HOLDING CABINETS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, a commercial hot food holding cabinet shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume.

''(kk) PORTABLE ELECTRIC SPAS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, a portable electric spa shall not have a normalized standby power rate of greater than 5 ($V^{2/3}$) Watts (in which 'V' equals the fill volume (in gallons)).

''(ll) REVISIONS.—

''(1) IN GENERAL.—Not later than the date that is 3 years after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, the Secretary shall—

''(A) consider in accordance with subsection (o) revisions to the standards established under subsections (ii), (jj), and (kk); and

''(B)(i) publish a final rule establishing the revised standards; or

''(ii) make a finding that no revisions are technically feasible and economically justified.

''(2) EFFECTIVE DATE.—Any revised standards under this subsection shall take effect not earlier than the date that is 3 years after the date of the publication of the final rule.''.

(e) PREEMPTION.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''or'' after the semicolon at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(8) is a regulation that—

''(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

''(B) is in effect on or before the date of enactment of this paragraph.''; and

(2) in subsection (c)—

(A) in paragraph (8)(B), by striking ''and'' after the semicolon at the end;

(B) in paragraph (9)—

(i) by striking ''except that—'' and all that follows through ''if the Secretary'' and inserting ''except that if the Secretary'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(iii) in subparagraph (B) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(10) is a regulation that—

''(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

''(B) is adopted by the California Energy Commission on or before January 1, 2013.''.

SEC. 6. TEST PROCEDURE PETITION PROCESS.

(a) CONSUMER PRODUCTS OTHER THAN AUTOMOBILES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

(1) in subparagraph (A)(i), by striking ''amend'' and inserting ''publish in the Federal Register amended''; and

(2) by adding at the end the following:

''(B) PETITIONS.—

''(i) IN GENERAL.—In the case of any covered product, any person may petition the Secretary to conduct a rulemaking—

''(I) to prescribe a test procedure for the covered product; or

''(II) to amend the test procedures applicable to the covered product to more accurately or fully comply with paragraph (3).

''(ii) DETERMINATION.—The Secretary shall—

''(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

''(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

''(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test procedure would more accurately or fully comply with paragraph (3).

''(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this subparagraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraph (3).

''(v) RULEMAKING.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test procedure or a determination not to amend the test procedure.

''(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

''(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).

''(C) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

''(D) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Institute of Standards and Technology to assist in developing new or amended test procedures.''.

(b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

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

''(1) AMENDMENT AND PETITION PROCESS.—

''(A) IN GENERAL.—At least once every 7 years, the Secretary shall review test procedures for all covered equipment and—

''(i) publish in the Federal Register amended test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately or fully comply with paragraphs (2) and (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

''(B) PETITIONS.—

''(i) IN GENERAL.—In the case of any class or category of covered equipment, any person may petition the Secretary to conduct a rulemaking—

''(I) to prescribe a test procedure for the covered equipment; or

''(II) to amend the test procedures applicable to the covered equipment to more accurately or fully comply with paragraphs (2) and (3).

''(ii) DETERMINATION.—The Secretary shall—

''(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

''(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

''(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately promote energy or water use efficiency.

''(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this paragraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraphs (2) and (3).

''(v) RULEMAKING.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

''(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

''(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p).'';

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 7. AMENDMENTS TO HOME APPLIANCE TEST METHODS.

Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 5(c)) is amended by adding at the end the following:

''(23) REFRIGERATOR AND FREEZER TEST PROCEDURE.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary publishes the final standard rule that was proposed on September 27, 2010, the Secretary shall finalize the interim final test procedure rule proposed on December 16, 2010, with such subsequent modifications to the test procedure or standards as the Secretary determines to be appropriate and consistent with this part.

''(B) RULEMAKING.—

''(i) INITIATION.—Not later than January 1, 2012, the Secretary shall initiate a rulemaking to amend the test procedure described in subparagraph (A) only to incorporate measured automatic icemaker energy use.

''(ii) FINAL RULE.—Not later than December 31, 2012, the Secretary shall publish a final rule regarding the matter described in clause (i).

''(24) ADDITIONAL HOME APPLIANCE TEST PROCEDURES.—

''(A) AMENDED TEST PROCEDURE FOR CLOTHES WASHERS.—Not later than October 1, 2011, the Secretary shall publish a final rule amending the residential clothes washer test procedure.

''(B) AMENDED TEST PROCEDURE FOR CLOTHES DRYERS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish an amended test procedure for clothes dryers.

''(ii) REQUIREMENT.—The amendments to the test procedure shall be limited to modifications requiring that tested dryers are run until the cycle (including cool down) is ended by automatic termination controls, if equipped with those controls.''.

SEC. 8. CREDIT FOR ENERGY STAR SMART APPLIANCES.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

''(e) CREDIT FOR SMART APPLIANCES.—Not later than 180 days after the date of enactment of this subsection, after soliciting comments pursuant to subsection (c)(5), the Administrator of the Environmental Protection Agency, in cooperation with the Secretary, shall determine whether to update the Energy Star criteria for residential refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, clothes dryers, and room air conditioners to incorporate smart grid and demand response features.''.

SEC. 9. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

''SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.

''(a) INITIAL STUDY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall conduct a study of—

''(A) video game console energy use; and

''(B) opportunities for energy savings regarding that energy use.

''(2) INCLUSIONS.—The study under paragraph (1) shall include an assessment of all power-consuming modes and media playback modes of video game consoles.

''(b) ACTION ON COMPLETION.—On completion of the initial study under subsection (a), the Secretary shall determine, by regulation, using the criteria and procedures described in section 325(n)(2), whether to initiate a process for establishing minimum energy efficiency standards for video game console energy use.

''(c) FOLLOW-UP STUDY.—If the Secretary determines under subsection (b) that standards should not be established, the Secretary shall conduct a follow-up study in accordance with subsection (a) by not later than 3 years after the date of the determination.''.

(b) APPLICATION DATE.—Subsection (nn)(1) of section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as redesignated by section 5(d)(1)) is amended by inserting ''or section 324B'' after ''subsection (l), (u), or (v)'' each place it appears.

SEC. 10. REFRIGERATOR AND FREEZER STANDARDS.

Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by striking paragraph (4) and inserting the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED AS OF JANUARY 1, 2014.—

''(A) DEFINITION OF BUILT-IN PRODUCT CLASS.—In this paragraph, the term 'built-in product class' means a refrigerator, freezer, or refrigerator with a freezer unit that—

''(i) is 7.75 cubic feet or greater in total volume and 24 inches or less in cabinet depth (not including doors, handles, and custom front panels);

''(ii) is designed to be totally encased by cabinetry or panels attached during installation;

''(iii) is designed to accept a custom front panel or to be equipped with an integral factory-finished face;

''(iv) is designed to be securely fastened to adjacent cabinetry, walls, or floors; and

''(v) has 2 or more sides that are not—

''(I) fully finished; and

''(II) intended to be visible after installation.

''(B) MAXIMUM ENERGY USE.—

''(i) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, the maximum energy use allowed in kilowatt hours per year for each product described in the table contained in clause (ii) (other than refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet and freezers with total refrigerated volume exceeding 30 cubic feet) that is manufactured on or after January 1, 2014, is specified in the table contained in that clause.

''(ii) STANDARDS EQUATIONS.—The allowed maximum energy use referred to in clause (i) is as follows:

''Standards Equations	
Product Description	
Automatic Defrost Refrigerator-Freezers	
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
Manual & Partial Automatic Refrigerator-Freezers	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+198.7
All Refrigerators	
Manual Defrost	7.06AV+198.7
Automatic Defrost	7.35 AV+ 207.0
All Freezers	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3
Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
Automatic Defrost Refrigerator-Freezers–Compact Size	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8
Side Freezer	6.08 AV+ 400.8
Manual & Partial Automatic Refrigerator-Freezers–Compact Size	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5
All Refrigerators–Compact Size	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3
All Freezers–Compact Size	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41AV+ 136.8
Automatic Defrost Refrigerator-Freezers–Built-ins	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w/ TTD ice	4.25 AV+ 458.2
All Refrigerators–Built-ins	
Automatic Defrost	7.84 AV+ 220.8
All Freezers–Built-ins	
Upright with automatic defrost	9.32 AV+ 244.6.

''(iii) FINAL RULES.—

''(I) IN GENERAL.—Except as provided in subclause (II), after the date of publication of each test procedure change made pursuant to section 323(b)(23), in accordance with the procedures described in section 323(e)(2), the Secretary shall publish final rules to amend the standards specified in the table contained in clause (ii).

''(II) EXCEPTION.—The standards amendment made pursuant to the test procedure change required under section 323(b)(23)(B) shall be based on the difference between—

''(aa) the average measured automatic ice maker energy use of a representative sample for each product class; and

''(bb) the value assumed by the Department of Energy for ice maker energy use in the test procedure published pursuant to section 323(b)(23)(A).

''(III) APPLICABILITY.—Section 323(e)(3) shall not apply to the rules described in this clause.

''(iv) FINAL RULE.—The Secretary shall publish any final rule required by clause (iii) by not later than the later of the date that is 180 days after—

''(I) the date of enactment of this clause; or

''(II) the date of publication of a final rule to amend the test procedure described in section 323(b)(23).

''(v) NEW PRODUCT CLASSES.—The Secretary may establish 1 or more new product classes as part of the final amended standard adopted pursuant to the test procedure change required under section 323(b)(23)(B) if the 1 or more new product classes are needed to distinguish among products with automatic icemakers.

''(vi) EFFECTIVE DATES OF STANDARDS.—

''(I) STANDARDS AMENDMENT FOR FIRST REVISED TEST PROCEDURE.—A standards amendment adopted pursuant to a test procedure change required under section 323(b)(23)(A) shall apply to any product manufactured as of January 1, 2014.

''(II) STANDARDS AMENDMENT AFTER REVISED TEST PROCEDURE FOR ICEMAKER ENERGY.—An amendment adopted pursuant to a test procedure change required under section 323(b)(23)(B) shall apply to any product manufactured as of the date that is 3 years after the date of publication of the final rule amending the standards.

''(vii) SLOPE AND INTERCEPT ADJUSTMENTS.—

''(I) IN GENERAL.—With respect to refrigerators, freezers, and refrigerator-freezers, the Secretary may, by rule, adjust the slope and intercept of the equations specified in the table contained in clause (ii)—

''(aa) based on the energy use of typical products of various sizes in a product class; and

''(bb) if the average energy use for each of the classes is the same under the new equations as under the equations specified in the table contained in clause (ii).

''(II) DEADLINE.—If the Secretary adjusts the slope and intercept of an equation described in subclause (I), the Secretary shall publish the final rule containing the adjustment by not later than July 1, 2011.

''(viii) EFFECT.—A final rule published under clause (iii) pursuant to the test procedure change required under section 323(b)(23)(B) or pursuant to clause (iv) shall not be considered to be an amendment to the standard for purposes of section 325(m).''.

SEC. 11. ROOM AIR CONDITIONER STANDARDS.

Section 325(c) of the Energy Policy and Conservation Act (42 U.S.C. 6295(c)) is amended by adding at the end the following:

''(3) MINIMUM ENERGY EFFICIENCY RATIO OF ROOM AIR CONDITIONERS MANUFACTURED ON OR AFTER JUNE 1, 2014.—

''(A) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, the minimum

energy efficiency ratios of room air conditioners manufactured on or after June 1, 2014, shall not be less than that specified in the table contained in subparagraph (B).

''(B) MINIMUM ENERGY EFFICIENCY RATIOS.—The minimum energy efficiency ratios referred to in subparagraph (A) are as follows:

Without Reverse Cycle w/Louvers	
<6,000 Btu/h	11.2
6,000 to 7,999 Btu/h	11.2
8,000-13,999 Btu/h	11.0
14,000 to 19,999 Btu/h	10.8
20,000-27,999 Btu/h	9.4
≥28,000 Btu/h	9.0
Without Reverse Cycle w/o Louvers	
<6,000 Btu/h	10.2
6,000 to 7,999 Btu/h	10.2
8,000-10,999 Btu/h	9.7
11,000-13,999 Btu/h	9.6
14,000 to 19,999 Btu/h	9.4
≥20,000 Btu/h	9.4
With Reverse Cycle	
<20,000 w/Louvers Btu/h	9.9
≥ 20,000 w/Louvers Btu/h	9.4
<14,000 w/o Louvers Btu/h	9.4
≥14,000 w/o Louvers Btu/h	8.8
Casement	
Casement Only	9.6
Casement-Slider	10.5.

''(C) FINAL RULE.—

''(i) IN GENERAL.—Not later than July 1, 2011, pursuant to the test procedure adopted by the Secretary on January 6, 2011, the Secretary shall amend the standards specified in the table contained in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

''(ii) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

''(I) IN GENERAL.—The Secretary shall integrate standby and off mode energy consumption into the amended energy efficiency ratios standards required under clause (i).

''(II) REQUIREMENTS.—The amended standards described in subclause (I) shall reflect the levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

''(iii) APPLICABILITY.—

''(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

''(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after June 1, 2014.''.

SEC. 12. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

''(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED WATER HEATER.—The term 'covered water heater' means—

''(I) a water heater; and

''(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

''(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

''(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

''(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

''(i) the energy factor descriptor for water heaters established under this subsection; and

''(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

''(D) EFFECT OF FINAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

''(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

''(E) CONVERSION FACTOR.—

''(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

''(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

''(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

''(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

''(v) PERIOD.—Subclause (E) shall apply during the period—

''(I) beginning on the date of publication of the conversion factor in the Federal Register; and

''(II) ending on April 16, 2015.

''(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

''(i) does not have a residential use and can be clearly described in the final rule; and

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (on the date of enactment of this paragraph) to the category under section 342(a)(5).

''(G) OPTIONS.—The descriptor set by the final rule may be—

''(i) a revised version of the energy factor descriptor in use on the date of enactment of this paragraph;

''(ii) the thermal efficiency and standby loss descriptors in use on that date;

''(iii) a revised version of the thermal efficiency and standby loss descriptors;

''(iv) a hybrid of descriptors; or

''(v) a new approach.

''(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use on the date of enactment of this paragraph and to future water heating technologies.

''(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

''(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

''(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

''(i) was manufactured prior to the effective date of the final rule; and

''(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.''.

SEC. 13. CLOTHES DRYERS.

Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) MINIMUM ENERGY FACTORS FOR CLOTHES DRYERS.—

''(i) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, clothes dryers manufactured on or after January 1, 2015, shall comply with the minimum energy factors specified in the table contained in clause (ii).

''(ii) NEW STANDARDS.—The minimum energy factors referred to in clause (i) are as follows:

Vented Electric Standard	3.17
Vented Electric Compact 120V	3.29
Vented Electric Compact 240V	3.05
Vented Gas	2.81
Vent-Less Electric Compact 240V	2.37
Vent-Less Electric Combination Washer/Dryer	1.95

''(iii) FINAL RULE.—

''(I) REQUIREMENTS.—

''(aa) IN GENERAL.—The final rule to amend the clothes dryer test procedure adopted pursuant to section 323(b)(24)(B) shall amend the energy factors standards specified in the table contained in clause (ii) in accordance with the procedures described in section 323(e)(2).

''(bb) REPRESENTATIVE SAMPLE.—To establish a representative sample of compliant products, the Secretary shall select a sample of minimally compliant dryers that automatically terminate the drying cycle at not less than 4 percent remaining moisture content.

''(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

''(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended standards required under subclause (I).

''(bb) REQUIREMENTS.—The amended standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

''(III) APPLICABILITY.—

''(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

''(bb) AMENDED STANDARDS.—The amended standards required by this clause shall apply to products manufactured on or after January 1, 2015.

''(iv) OTHER STANDARDS.—Any dryer energy conservation standard that takes effect after the date of enactment of this subparagraph but before the amended standard required by this subparagraph shall not apply.''.

SEC. 14. STANDARDS FOR CLOTHES WASHERS.

Section 325(g)(9) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(9)) is amended by striking subparagraph (B) and inserting the following:

''(B) AMENDMENT OF STANDARDS.—

''(i) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(I) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, clothes washers manufactured on or after January 1, 2015, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

''(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

	''MEF	WF
Top Loading—Standard	1.72	8.0
Top Loading—Compact	1.26	14.0
Front Loading—Standard	2.2	4.5
Front Loading—Compact (less than 1.6 cu. ft. capacity)	1.72	8.0.

''(ii) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—

''(I) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, top-loading clothes washers manufactured on or after January 1, 2018, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

''(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

	''MEF	WF
Top Loading—Standard	2.0	6.0
Top Loading—Compact	1.81	11.6.

''(iii) FINAL RULE.—

''(I) IN GENERAL.—The final rule to amend the clothes washer test procedure adopted pursuant to section 323(b)(24)(A) shall amend the standards described in clauses (i) and (ii) in accordance with the procedures described in section 323(e)(2).

''(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

''(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended modified energy factor standards required under subclause (I).

''(bb) REQUIREMENTS.—The amended modified energy factor standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

''(III) APPLICABILITY.—

''(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

''(bb) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Amended standards required by this clause that are based on clause (i) shall apply to products manufactured on or after January 1, 2015.

''(cc) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Amended standards required by this clause that are based on clause (ii) shall apply to products manufactured on or after January 1, 2018.''.

SEC. 15. DISHWASHERS.

Section 325(g)(10) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(10)) is amended—

(1) by striking subparagraph (A);

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

(3) by inserting before subparagraph (D) (as redesignated by paragraph (2)) the following:

''(A) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall—

''(i) for a standard size dishwasher, not exceed 355 kilowatt hours per year and 6.5 gallons per cycle; and

''(ii) for a compact size dishwasher, not exceed 260 kilowatt hours per year and 4.5 gallons per cycle.

''(B) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2013.—A dishwasher manufactured on or after January 1, 2013, shall—

''(i) for a standard size dishwasher, not exceed 307 kilowatt hours per year and 5.0 gallons per cycle; and

''(ii) for a compact size dishwasher, not exceed 222 kilowatt hours per year and 3.5 gallons per cycle.

''(C) REQUIREMENTS OF FINAL RULES.—

''(i) IN GENERAL.—Any final rule to amend the dishwasher test procedure after July 9, 2010, and before January 1, 2013, shall amend the standards described in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

''(ii) APPLICABILITY.—

''(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

''(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after January 1, 2013.''.

SEC. 16. PETITION FOR AMENDED STANDARDS.

Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

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

''(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

''(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

''(A) a final rule that contains the new or amended standards; or

''(B) a determination that no new or amended standards are necessary.''.

SEC. 17. PROHIBITED ACTS.

Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (1), by striking ''for any manufacturer or private labeler to distribute'' and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute'';

(2) by striking paragraph (5) and inserting the following:

''(5) for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler—

''(A) to offer for sale or distribute in commerce any new covered product that is not in conformity with an applicable energy conservation standard established in or prescribed under this part; or

''(B) if the standard is a regional standard that is more stringent than the base national standard, to offer for sale or distribute in commerce any new covered product having knowledge (consistent with the definition of 'knowingly' in section 333(b)) that the product will be installed at a location covered by a regional standard established in or prescribed under this part and will not be in conformity with the standard;'';

(3) in paragraph (6) (as added by section 306(b)(2) of Public Law 110–140 (121 Stat. 1559)), by striking the period at the end and inserting a semicolon;

(4) by redesignating paragraph (6) (as added by section 321(e)(3) of Public Law 110–140 (121 Stat. 1586)) as paragraph (7);

(5) in paragraph (7) (as so redesignated)—

(A) by striking ''for any manufacturer, distributor, retailer, or private labeler to distribute'' and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute''; and

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

(6) by inserting after paragraph (7) (as so redesignated) the following:

''(8) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly certified in accordance with the requirements established in or prescribed under this part;

''(9) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly tested in accordance with the requirements established in or prescribed under this part; and

''(10) for any manufacturer or private labeler to violate any regulation lawfully promulgated to implement any provision of this part.''.

SEC. 18. OUTDOOR LIGHTING.

(a) DEFINITIONS.—

(1) COVERED EQUIPMENT.—Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended—

(A) by redesignating subparagraph (L) as subparagraph (O); and

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

''(L) High light output double-ended quartz halogen lamps.

''(M) General purpose mercury vapor lamps.''.

(2) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) by striking ''and'' before ''unfired hot water''; and

(B) by inserting after ''tanks'' the following: '', high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps''.

(3) NEW DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(A) by redesignating paragraphs (22) and (23) (as amended by sections 312(a)(2) and 314(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1564, 1569)) as paragraphs (23) and (24), respectively; and

(B) by adding at the end the following:

''(25) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term 'general purpose mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that—

''(A) has a screw base;

''(B) is designed for use in general lighting applications (as defined in section 321);

''(C) is not a specialty application mercury vapor lamp; and

''(D) is designed to operate on a mercury vapor lamp ballast (as defined in section 321) or is a self- ballasted lamp.

''(26) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term 'high light output double-ended quartz halogen lamp' means a lamp that—

''(A) is designed for general outdoor lighting purposes;

''(B) contains a tungsten filament;

''(C) has a rated initial lumen value of greater than 6,000 and less than 40,000 lumens;

''(D) has at each end a recessed single contact, R7s base;

''(E) has a maximum overall length (MOL) between 4 and 11 inches;

''(F) has a nominal diameter less than ¾ inch (T6);

''(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

''(H) is not a tubular quartz infrared heat lamp; and

''(I) is not a lamp marked and marketed as a Stage and Studio lamp with a rated life of 500 hours or less.

''(27) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term 'specialty application mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that is—

''(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

''(B) is marked and marketed for specialty applications only.

''(28) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term 'tubular quartz infrared heat lamp' means a double-ended quartz halogen lamp that—

''(A) is marked and marketed as an infrared heat lamp; and

''(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principle interest.''.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—A high light output double-ended quartz halogen lamp manufactured on or after January 1, 2016, shall have a minimum efficiency of—

''(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and

''(2) 34 LPW for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

''(h) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.''.

(c) PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in the first sentence of subsection (a), by striking ''The'' and inserting ''Except as otherwise provided in this section, the''; and

(2) by adding at the end the following:

''(i) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to high light output double-ended quartz halogen lamps to the same extent and in the same manner as described in section 325(nn)(1).

''(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.''.

SEC. 19. STANDARDS FOR COMMERCIAL FURNACES.

Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by adding at the end the following:

''(11) Warm air furnaces with an input rating of 225,000 Btu per hour or more and manufactured on or after the date that is 1 year after the date of enactment of this paragraph shall meet the following standard levels:

''(A) Gas-fired units shall—

''(i) have a minimum combustion efficiency of 80 percent;

''(ii) include an interrupted or intermittent ignition device;

''(iii) have jacket losses not exceeding 0.75 percent of the input rating; and

''(iv) have power venting or a flue damper.

''(B) Oil-fired units shall have—

''(i) a minimum thermal efficiency of 81 percent;

''(ii) jacket losses not exceeding 0.75 percent of the input rating; and

''(iii) power venting or a flue damper.''.

SEC. 20. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

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

''(C) The term 'service over the counter, self-contained, medium temperature commercial refrigerator' or '(SOC–SC–M)' means a medium temperature commercial refrigerator—

''(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

''(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

''(D) The term 'TDA' means the total display area (ft^2) of the refrigerated case, as defined in AHRI Standard 1200.'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

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

''(4) Each SOC–SC–M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than 0.6 x TDA + 1.0.''.

SEC. 21. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INTERESTED PARTIES.—The term ''interested parties'' includes—

(A) trade associations;

(B) motor manufacturers;

(C) motor end users;

(D) electric utilities; and

(E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

(A) the stock of motors and motor-driven equipment;

(B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

(A) expanded use of drives, servos, and other control technologies;

(B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

SEC. 22. STUDY OF COMPLIANCE WITH ENERGY STANDARDS FOR APPLIANCES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance, including enforcement.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 23. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY IN CERTAIN BUILDINGS.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study—

(1) of the costs and benefits (including significant energy efficiency, power quality, and other power grid, safety, and environmental benefits) of requiring high-quality, direct current electricity supply in buildings; and

(2) to determine, if the requirement described in paragraph (1) is imposed, what the policy and role of the Federal Government should be in realizing those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 24. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking ''supplies is'' and inserting ''supply is''.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking ''6313(a)'' and inserting ''6314(a)''.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking ''If the Secretary'' and inserting the following:

''(i) IN GENERAL.—If the Secretary'';

(ii) by striking ''clause (ii)(II)'' and inserting ''subparagraph (A)(ii)(II)'';

(iii) by striking ''clause (i)'' and inserting ''subparagraph (A)(i)''; and

(iv) by adding at the end the following:

''(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

''(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

''(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

''(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

''(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

''(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

''(VI) the need for national energy conservation; and

''(VII) other factors the Secretary considers relevant.

''(iii) ADMINISTRATION.—

''(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

''(II) UNAVAILABILITY.—

''(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

''(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.''; and

(B) in subparagraph (C)(iv), by striking ''An amendment prescribed under this subsection'' and inserting ''Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph''.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking ''subparagraphs (B) through (G)'' each place it appears and inserting ''subparagraphs (B), (C), (D), (I), (J), and (K)'';

(B) by striking ''part A'' each place it appears and inserting ''part B''; and

(C) in subsection (a)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.''; and

(D) in subsection (h)(3), by striking ''section 342(f)(3)'' and inserting ''section 342(f)(4)''.

(6) Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) (as amended by section 313(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1568)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—The term 'electric motor' means any of the following:

''(i) A motor that is a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1–1987.

''(ii) A motor incorporating the design elements described in clause (i), but is configured to incorporate 1 or more of the following variations:

''(I) U-frame motor.

''(II) NEMA Design C motor.

''(III) Close-coupled pump motor.

''(IV) Footless motor.

''(V) Vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

''(VI) 8-pole motor.

''(VII) Poly-phase motor with a voltage rating of not more than 600 volts (other than 230 volts or 460 volts, or both, or can be operated on 230 volts or 460 volts, or both).''; and

(B) by redesignating subparagraphs (C) through (I) as subparagraphs (B) through (H), respectively.

(7)(A) Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(i) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

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

''(2) STANDARDS EFFECTIVE BEGINNING DECEMBER 19, 2010.—

''(A) IN GENERAL.—Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (3) and except as provided for in subparagraphs (B), (C), and (D), each electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG–1 (2006) Table 12–12.

''(B) FIRE PUMP ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each fire pump electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency that is not less than the nominal full load efficiency described in NEMA MG–1 (2006) Table 12–11.

''(C) NEMA DESIGN B ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each NEMA Design B electric motor with power ratings of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG–1 (2006) Table 12–11.

''(D) MOTORS INCORPORATING CERTAIN DESIGN ELEMENTS.—Except for those motors exempted by the Secretary under paragraph (3), each electric motor described in section 340(13)(A)(ii) manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the

nominal full load efficiency described in NEMA MG–1 (2006) Table 12–11.''; and

(iv) in paragraph (3) (as redesignated by clause (ii)), by striking ''paragraph (1)'' each place it appears in subparagraphs (A) and (D) and inserting ''paragraphs (1) and (2)''.

(B) Section 313 of the Energy Independence and Security Act of 2007 (121 Stat. 1568) is repealed.

(C) The amendments made by—

(i) subparagraph (A) take effect on December 19, 2010; and

(ii) subparagraph (B) take effect on December 19, 2007.

(8) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: ''or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens''.

(9) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after ''household appliance'' and inserting ''and''; and

(ii) by striking ''and is sold at retail,''; and

(B) in clause (ii), by inserting ''when sold at retail,'' before ''is designated''.

(10) Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)) (as amended by sections 321(a)(3)(A) and 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1577, 1588)) is amended by striking the subsection designation and all that follows through the end of paragraph (8) and inserting the following:

''(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

''(1) ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—Each of the following general service fluorescent lamps, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps, and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this subparagraph shall meet or exceed the standards established in the following tables:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	>65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

''MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014

''(B) APPLICATION.—

''(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

''(I) is intended for a general service or general illumination application (whether incandescent or not);

''(II) has a medium screw base or any other screw base not defined in ANSI C81.61–2006;

''(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

''(IV) is manufactured or imported after December 31, 2011.

''(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

''(I) 80 for nonmodified spectrum lamps; or

''(II) 75 for modified spectrum lamps.

''(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

''(i) CANDELABRA BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, a candelabra base incandescent lamp shall not exceed 60 rated watts.

''(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, an intermediate base incandescent lamp shall not exceed 40 rated watts.

''(D) EXEMPTIONS.—

''(i) STATUTORY EXEMPTIONS.—The standards specified in subparagraph (A) shall not apply to the following types of incandescent reflector lamps:

''(I) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(II) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(III) R20 incandescent reflector lamps rated 45 watts or less.

''(ii) ADMINISTRATIVE EXEMPTIONS.—

''(I) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

''(II) CRITERIA.—The Secretary may grant an exemption under subclause (I) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

''(III) ADDITIONAL CRITERION.—To grant an exemption for a product under this clause , the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

''(E) EXTENSION OF COVERAGE.—

''(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

''(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

''(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

''(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

''(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based in part on sales data provided to the Secretary from manufacturers and importers.

''(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

''(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

''(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

''(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

''(F) EFFECTIVE DATES.—

''(i) IN GENERAL.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A) or in clause (ii), the term 'effective date' means the last day of the period of months specified in the table after October 24, 1992.

''(ii) SPECIAL EFFECTIVE DATES.—

''(I) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (A) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(II) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (A) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

''(2) COMPLIANCE WITH EXISTING LAW.—Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp that is in compliance with the law at the time the lamp was manufactured.

''(3) RULEMAKING BEFORE OCTOBER 24, 1995.—

''(A) IN GENERAL.—Not later than 36 months after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on October 24, 1992, to determine whether the standards established under paragraph (1) should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(4) RULEMAKING BEFORE OCTOBER 24, 2000.—

''(A) IN GENERAL.—Not later than 8 years after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than 9 years and 6 months after October 24, 1992, to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended.

''(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

''(5) RULEMAKING FOR ADDITIONAL GENERAL SERVICE FLUORESCENT LAMPS.—

''(A) IN GENERAL.—Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall—

''(i) initiate a rulemaking procedure to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended so that the standards would be applicable to additional general service fluorescent lamps; and

''(ii) publish, not later than 18 months after initiating the rulemaking, a final rule including the amended standards, if any.

''(B) ADMINISTRATION.—The rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date on which the rule is published.

''(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

''(A) RULEMAKING BEFORE JANUARY 1, 2014.—

''(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking—

''(I) shall not be limited to incandescent lamp technologies; and

''(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the manufacture of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

''(vi) STATE PREEMPTION.—Neither section 327 nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

''(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

''(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

''(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect on the date of enactment of the Energy Independence and Security Act of 2007.

''(B) RULEMAKING BEFORE JANUARY 1, 2020.—

''(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

''(I) standards in effect for general service lamps should be amended; and

''(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales data collected by the Secretary from manufacturers.

''(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

''(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

''(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

''(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

''(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

''(7) FEDERAL ACTIONS.—

''(A) COMMENTS OF SECRETARY.—

''(i) IN GENERAL.—With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions that would adversely impact the energy consumption or energy efficiency of the lamp of the energy conservation consequences of the action.

''(ii) CONSIDERATION.—The Federal entity shall carefully consider the comments of the Secretary.

''(B) AMENDMENT OF STANDARDS.—Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy

use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if the action is warranted as a result of other Federal action (including restrictions on materials or processes) that would have the effect of either increasing the energy use or decreasing the energy efficiency of the product.

''(8) COMPLIANCE.—

''(A) IN GENERAL.—Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to that section, each manufacturer of a product to which the standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type.

''(B) CONTENTS.—The report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period.

''(C) OTHER LAMP TYPES.—With respect to lamp types that are not manufactured during the 12-month period preceding the date on which the standards become effective, the report shall—

''(i) be filed with the Secretary not later than the date that is 12 months after the date on which manufacturing is commenced; and

''(ii) include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during the 12-month period.''.

(11) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking ''only''.

(12) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

(13) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after ''40 watts or higher''.

(14) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking ''6995(i)'' and inserting ''6295(i)''.

(15) Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) (as amended by sections 324(f) of the Energy Independence and Security Act of 2007 (121 Stat. 1594) and section 6(e)(2)) is amended—

(A) in paragraph (6), by striking ''or'' after the semicolon at the end;

(B) in paragraph (9)(B), by striking ''or'' at the end;

(C) in paragraph (10), by striking the period at the end and inserting a semicolon;

(D) by adding at the end the following:

''(11) is a regulation for general service lamps that conforms with Federal standards and effective dates; or

''(12) is an energy efficiency standard for general service lamps enacted into law by the State of Nevada prior to December 19, 2007, if the State has not adopted the Federal standards and effective dates pursuant to subsection (b)(1)(B)(ii).''.

(16) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking ''6924(c)'' and inserting ''6294(c)''.

(17) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking ''20°F'' and inserting ''−20°F''.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) other motors.''.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking ''Air-Conditioning and Refrigeration Institute'' each place it appears in paragraphs (4)(A) and (7) and inserting ''Air-Conditioning, Heating, and Refrigeration Institute''.

SECTION-BY-SECTION SUMMARY OF THE IMPLEMENTATION OF NATIONAL CONSENSUS APPLIANCE AGREEMENTS ACT OF 2011 (INCAAA)

Purpose: DOE's ''Appliance Standards Program'' (Title III, Part B of the Energy Policy and Conservation Act (EPCA) (42 USC 6291)) establishes energy efficiency standards for dozens of appliances and types of commercial equipment. These standards have been extraordinarily effective for improving the nation's economic and energy security, by 2010 reducing national non-transportation energy use by about 7 percent below what it otherwise would be. Appliance manufacturers have supported standards because of their significant national benefits and because they typically replace a patchwork of state regulations. This bill would amend EPCA to enact consensus energy-efficiency standards for a range of products that were agreed to among industry, energy advocate and consumer stakeholders. More specifically, . . .

Sec. 1. Short title; table of contents.

Sec. 2. Energy conservation standards: clarifies that 'energy conservation standard' means one or more performance or design requirements such as energy and water efficiency. Adds definitions, effective dates, and standards for: central air conditioners and heat pumps, through-the-wall central air conditioners; through-the-wall central air conditioning heat pumps; small-duct, high-velocity systems; and non-weatherized furnaces, as agreed to between manufacturers and efficiency advocacy groups. Finally, it provides that building codes may allow for appliance standards to exceed the federal standard in certain cases.

Sec. 3. Energy conservation standards for heat pump pool heaters: adds definitions, standards and effective dates for heat pump pool heaters, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 4. GU–24 base lamps: adds definitions, standards and effective dates for the next-generation, GU–24 lamps, lamp sockets, and adaptors, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 5. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas: adds definitions, exclusions, test procedures, standards and effective dates for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 6. Test procedure petition process: (a) provides that any person may petition DOE to prescribe or amend test procedures and establishes deadlines for DOE to respond to such petitions; and (b) for certain industrial equipment, clarifies that DOE periodically review test procedures, and provides that any person may petition DOE to prescribe or amend test procedures for such equipment and establishes deadlines for DOE to respond to such petitions. It also provides that DOE may use the Direct Final Rule procedure currently available to prescribe consensus standards, to prescribe consensus test procedures.

Sec. 7. Amendments to Home Appliance Test Methods: sets deadlines regarding refrigerator and freezer, clothes washer, and clothes dryer test methods.

Sec. 8. Credit for Energy Star Smart Appliances: directs federal officials to determine whether to update Energy Star criteria for certain products to incorporate smart grid and demand response features.

Sec. 9. Video game console energy efficiency study: directs DOE to conduct a study of video game console energy use and opportunities for energy savings, and upon completion to determine whether to establish an efficiency standard. If standards are not established, then DOE shall conduct a follow-up study.

Sec. 10. Refrigerator and freezer standards: updates definitions, exceptions, standards and effective dates for new standards for refrigerators and freezers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 11. Room air conditioner standards: establishes new standards and effective dates for room air-conditioners, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 12. Uniform efficiency descriptor for covered water heaters: directs DOE to publish a final rule that establishes a uniform efficiency descriptor and test methods for covered water heaters. The section also sets forth other provisions necessary to transition from the current two descriptors for two types of water heaters, to having a single descriptor for all covered water heaters.

Sec. 13. Clothes dryers: establishes new standards and effective dates for clothes dryers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 14. Standards for clothes washers: establishes new standards and effective dates for clothes washers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 15. Dishwashers: establishes new standards and effective dates for dishwashers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 16. Petition for amended standards: requires DOE to publish an explanation of DOE's decision to grant or deny a petition for a new or amended standard (filed under current law) within 180 days, and to publish the new rule within 3 year in those cases where the petition is granted.

Sec. 17. Prohibited acts: updates certain enforcement provisions to clarify that prohibitions under the law apply to distributors, retailers, and private labelers as well as

manufacturers, and clarifies that prohibitions must be ''knowingly'' violated in the case of regional standards.

Sec. 18. Outdoor lighting: establishes definitions, test methods, standards, and effective dates for certain types of outdoor lighting, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 19. Standards for commercial furnaces: establishes a new standard and effective date for commercial furnaces, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 20. Service over the counter, self-contained, medium temperature commercial Refrigerators: establishes new definitions and a standard and effective date for certain service over the counter refrigerators, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 21. Motor market assessment and commercial awareness program: directs DOE to assess the U.S. electric motor market and develop recommendations on ways to improve the efficiency of motor systems. It also requires DOE to periodically update this information; estimate the savings attributable to the Save Energy Now Program; make recommendations to the Census Bureau on surveys to support DOE's motor activities; and prepare an update to the Motor Master+ program of DOE. Finally, based on the assessment and recommendations, the section would direct DOE to establish a program to: increase awareness of the savings opportunities of using higher efficiency motors, improve motor system procurement practices, and establish criteria for making decisions regarding electric motor systems.

Sec. 22. Study of Compliance with Energy Standards for Appliances: directs DOE to conduct, and submit to Congress with any recommendations, a study on the degree of compliance with energy standards for appliances including an investigation of compliance rates and options for improving compliance.

Sec. 23. Study of direct current electricity supply in certain buildings: directs DOE to conduct, and submit to Congress with any recommendations, a study of the costs and benefits of requiring high-quality, direct current electricity supply in certain buildings and to determine, if this requirement is imposed, what the policy and role of the Federal Government should be.

Sec. 24. Technical corrections: makes technical corrections to the Energy Independence and Security Act of 2007 (EISA), the Energy Policy Act of 2005, and the Energy Policy and Conservation Act regarding the appliance efficiency standards program.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 399. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

Mr. BAUCUS. Mr. President, today I rise to introduce the Blackfeet Water Rights Settlement Act of 2011. The Blackfeet Reservation is located in northwest Montana with Canada to the north and Glacier Park to the west. The Blackfeet Reservation consists of approximately 1.5 million acres with farming and tribal and federal government as the primary source of economic activity. About 10,100 people live on the reservation and approximately 25,800 live off reservation. The Blackfeet Tribe is ably assisted by the Blackfeet Tribal Business Council of which Willie Sharp is Chairman.

The Blackfeet Reservation was established under the Fort Laramie Treaty of 1851. Later, part of the reservation was sold to the U.S. Government, and the Sweetgrass Hills Treaty was ratified by Congress in 1888. The sale of these lands by treaty established the reservations for the Fort Peck and Fort Belknap Tribes.

Over 100 years ago the U.S. Supreme Court ruled that such treaties imply a commitment to reserve sufficient water to satisfy both present and future needs of a tribe. Today we are moving forward on the journey to fulfill that commitment with the introduction of the Blackfeet Water Rights Settlement Act of 2011.

The Blackfeet Water Rights Settlement Act of 2011 will resolve over a century of conflict over waters in Montana. The Act ratifies the water rights compact with the Blackfeet Nation. It is the product of more than 10 years of negotiations between diverse groups of users in the area, which ended in 2007. The Compact was approved by the Montana Legislature in April 2009, and the state of Montana has already appropriated $19 million in support of its work to implement the Compact. This legislation will bring clean water to reservation families and support tribal agriculture and provide long-range economic development.

The Blackfeet People call the mountains of their homeland the ''backbone of the world.'' When you visit their land, you can feel a shiver in your own backbone at its beauty and spiritual significance. These mountains are also the wellspring of the reservation's water. Their cirques and flanks, frozen for much of the year, store the crucial resource that makes the Great Plains inhabitable. The drainages and storage systems that define how the snow melts and the water flows are the principal subject of this legislation. This water is necessary for irrigation, livestock, fisheries, wildlife, homes, and other uses.

By ratifying this compact, Congress will both establish the federal reserved water rights of the Tribe and authorize funds to construct the infrastructure necessary to make the water available for use. Last year, Senator TESTER and I introduced this bill on April 29, 2010. The Senate Indian Affairs Committee held a hearing on July 22, 2011. I look forward to working with my colleagues here in the Senate, in the House, and in the Administration to quickly moving forward on the Blackfeet Water Compact.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 401. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN once again to introduce the Public Corruption Prosecution Improvements Act of 2011, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide.

As we have seen in recent years, public corruption can erode the trust the American people have in those who are given the privilege of public service, and, too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. Make no mistake: The stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy. Rooting out the kinds of public corruption that have resulted in convictions of members of Congress, judges, governors, and many others, requires us to give prosecutors the tools they need to investigate and prosecute criminal public corruption offenses.

The bill Senator CORNYN and I introduce today will increase sentences for serious corruption offenses and will provide investigators and prosecutors more time to pursue public corruption cases. The bill raises the statutory maximum penalties for several laws dealing with official misconduct, including bribery and theft of government property, to ensure that those who violate the public trust are held accountable. These increases reflect the serious and corrosive nature of these crimes, and would harmonize the punishment for these crimes with other similar statutes.

The bill extends the statute of limitations from 5 to 6 years for the most serious public corruption offenses. Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. We recently increased the statute of limitations for securities fraud to 6 years. Public corruption offenses cut to the heart of our democracy and are among the most difficult and time-consuming cases to investigate. This modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

This bill also amends several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities. It includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing rules and regulations, given to them because of their official position. This important provision contains appropriate safeguards to ensure that only corrupt conduct is prosecuted, but it will help to ensure that the work of public officials cannot be bought, and it will put teeth behind key ethics reforms enacted by Congress in 2007.

The bill also appropriately clarifies the definition of what it means for a

public official to perform an ''official act'' for the purposes of the bribery statute and closes several other gaps in current law. It adds two corruption-related crimes as predicates for the Federal wiretap and racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands the venue for perjury and obstruction of justice prosecutions.

Senator CORNYN and I have added two new modest fixes into this year's bill. The first allows information sharing that will make it easier for law enforcement to investigate possible criminal activity by Federal judges. The second further clarifies and strengthens the federal program bribery statute.

I remain committed to ensuring sufficient funding for public corruption enforcement. Since September 11, 2001, Federal Bureau of Investigation resources have been shifted away from the pursuit of white collar crime to counterterrorism. Director Mueller has consistently affirmed that public corruption is among the FBI's top investigative priorities, but reports in the past decade indicated that this shift in resources sometimes meant a reduction in the number of public corruption investigations and at times made pursuing key corruption cases more difficult. The Justice Department and the FBI have been working to reverse this trend, but we must make sure that law enforcement has all the tools and the resources it needs to strongly confront these serious and corrosive crimes.

In recognition of the difficult budget situation in which we find ourselves and in an effort to maintain maximum bipartisan support for this important legislation, I have agreed to remove from this year's bill a modest authorization for anti-corruption investigators and prosecutors that we included in past versions. Nonetheless, given the vital importance of this work, I hope that Senator CORNYN and others will join me in calling on appropriators and the Justice Department and FBI to ensure that significant resources are allocated to investigating and prosecuting public corruption.

Since we last introduced this bill, our country has unfortunately taken a step backward in its efforts to fight fraud and corruption. Last year, in the case of Skilling v. United States, the Supreme Court sided with a former executive from Enron, whose collapse had such devastating effects on the economy early in the last decade, and greatly narrowed the honest services fraud statute, a law that plays an important role in combating public corruption, corporate fraud, and self-dealing.

The Court's decision leaves corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed ''self-dealing'' by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in private sector cases, their shareholders and employees.

I introduced legislation in the last Congress, the Honest Services Restoration Act, to close this crucial gap and restore the government's ability to prosecute key categories of corruption cases. I have heard from Democrats and Republicans in the Senate and the House who are eager to fix this problem. I hope to continue working with Senator CORNYN and others to find a bipartisan solution to fixing honest services fraud and perhaps to incorporate a fix into this comprehensive anti-corruption bill at some point in the future.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed in recent years in high-profile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools they need to enforce our laws. It is time to strengthen the criminal law to bring those who undermine the public trust to justice. I hope that all Senators will support this bipartisan bill and take firm action to stamp out intolerable corruption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 401

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Corruption Prosecution Improvements Act''.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299A. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking ''money or property'' and inserting ''money, property, or any other thing of value''.

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''§ 3237. Offense taking place in more than one district''.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''3237. Offense taking place in more than one district.''.

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by—

(i) striking ''anything of value'' and inserting ''any thing or things of value''; and

(ii) striking ''of $5,000 or more'' and inserting ''of $1,000 or more'';

(B) by amending paragraph (2) to read as follows:

''(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of $1,000 or more;''; and

(C) in the matter following paragraph (2), by striking ''ten years'' and inserting ''15 years''; and

(2) in subsection (c)—

(A) by striking ''This section does not apply to''; and

(B) by inserting before ''bona fide salary'' the following: ''The term 'anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include''.

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''10 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''10 years''.

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting ''the District of Columbia or'' before ''the United States'' each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

(a) IN GENERAL.—Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records),'' after ''473 (relating to counterfeiting),''; and

(2) by inserting ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 664 (relating to embezzlement from pension and welfare funds),''.

(b) CONFORMING AMENDMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking ''section 641 (relating to public money, property, or records),''; and

(2) by striking ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),''.

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (bribery in sporting contests),''.

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

(a) DEFINITION.—Section 201(a) of title 18, United states Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(4) the term 'rule or regulation' means a federal regulation or a rule of the House of Representatives and the Senate, including those rules and regulations governing the acceptance of campaign contributions.''.

(b) CLARIFICATION.—Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting ''otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—'';

(2) in subparagraph (A), by inserting after '', or person selected to be a public official,'' the following: ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official''; and

(3) in subparagraph (B)—

(A) by striking ''otherwise than as provided by law for the proper discharge of official duty,''; and

(B) by striking all after ''anything of value personally'' and inserting ''for or because of the official's or person's official position, or for or because of any official act performed or to be performed by such official or person;''.

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) the term 'official act' means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.''.

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(2) in subsection (c), by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''.

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

''(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''§ 1624. Venue

''A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 16. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress' intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 17. PERMITTING THE DISCLOSURE OF INFORMATION REGARDING POTENTIAL CRIMINAL ACTIVITY TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES.

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; or''; and

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

''(4) disclosure of information regarding a potential criminal offense may be made to the United States Department of Justice, a Federal, State, or local grand jury, or Federal, State, or local law enforcement agents.''.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 403. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing a bill to designate segments of Oregon's Molalla River as Wild and Scenic. I am pleased to be joined in the Senate in introducing this legislation with my colleague from Oregon, Senator MERKLEY. This legislation is also being introduced today by Representative SCHRADER in the House of Representatives. He has been a champion for protecting the river. My colleagues previously joined me in the effort to protect this Oregon gem by introducing this bill in the last Congress. The Molalla River Wild and Scenic Rivers Act will amend the Wild and Scenic Rivers Act and designate an approximately 15.1 mile segment of the Molalla River and an approximately 6.2 mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act would protect a popular Oregon destination that provides abundant recreational activities that help fuel the recreation economy that is so important to the communities along the river. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout, along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I would like to reiterate my continued appreciation for the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel and have set out to protect it. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. These are the kind of collaborative home grown solutions that Oregonians are best at. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill's supporters to advance this legislation to the President's desk.

By Mr. NELSON of Florida:

S. 405. A bill to amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, for years, I have fought to keep oil rigs off the coast of Florida—both in federal waters and Cuban waters. As we've seen, an oil spill even hundreds of miles away from Florida can send the black stuff onto our beaches and close our fishing grounds. Risky exploration close to our shores endangers Florida's marine environment and tourism as well as our national security.

Yet we know that drilling just a mere 45 miles off Florida's coast is possible and is coming from the behest of Cuba's communist regime. For years the Castros have been eager to develop undiscovered offshore oil resources, and have already started leasing off different plots of land. Later this year, the Spanish oil company Repsol, in a consortium with oil companies from Norway, India, Italy and others, is expected to drill a deepwater exploratory well roughly 20 miles northeast of Havana—right in the midst of currents that run up the eastern seaboard. The U.S. Geological Survey estimates that the North Cuba Basin could contain over four and a half billion barrels of recoverable crude oil.

We now find ourselves in a grim situation. Over the past several years, I have asked both Republican and Democratic administrations to withdraw the diplomatic letters that we exchange with Cuba every 2 years. This exchange of letters is the only thing enforcing the 1977 Maritime Boundary Agreement, which has never been ratified by the U.S. Senate. Though I have consistently advocated against this boundary agreement, our presidents have disagreed. It seems that oil exploration in waters that are essentially our backyard is imminent.

So today I'm introducing the Gulf Stream Protection Act of 2011, which will protect the economy and environment of Florida. This legislation will require federal agencies to safeguard our shores by preparing for another devastating spill like the Deepwater Horizon that occurred less than a year ago—but this time in Cuban waters. If a company that's drilling in Cuba wants to lease drilling rights in the United States, this bill will require them to first prove that they have a sufficient oil spill response plan and the resources to address a spill in both Cuban and U.S. waters. Additionally this bill directs the Department of Interior—in consultation with the Department of State—to provide recommendations to Congress on a multinational agreement for spill response, not unlike what was suggested by the Spill Commission chaired by Senator Bob Graham and Bill Reilly.

We have seen what oil spills have done in other parts of the country and around the world. If oil spilled from a well in the North Cuba Basin, it would coat popular South Atlantic beaches like Miami and West Palm. I am not prepared to take chances with Florida's coral reefs and other marine life, nor with the livelihoods of millions of Floridians who depend on tourism for their economic well-being.

That is why I believe that in addition to my responsibility to deter exploration and drilling off Florida's coastline, I also have a responsibility to ensure that we are prepared for the worst-case scenario: an oil spill from a foreign rig in Cuban waters. I hope my colleagues will join me in supporting this commonsense legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 405

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gulf Stream Protection Act of 2011''.

SEC. 2. REQUIREMENT FOR CERTAIN DUAL LESSEES.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

''(9) REQUIREMENT FOR CERTAIN LESSEES.—If a bidder for an oil or gas lease under this subsection is conducting oil and gas operations off the coast of Cuba, the Secretary shall not grant an oil or gas lease to the bidder unless the bidder submits to the Secretary—

''(A) a Cuban oil spill response plan, which shall include 1 or more worst-case-scenario oil discharge plans; and

''(B) evidence that the bidder has sufficient financial resources and other resources necessary for a cleanup effort, as determined by the Secretary, to respond to a worst case scenario oil discharge in Cuba that occurs in, or would impact, the waters of the United States.''.

SEC. 3. NONDOMESTIC GULF OIL SPILL RESPONSE PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall carry out an oil spill risk analysis and planning process for the development and implementation of oil spill response plans for nondomestic oil spills in the Gulf of Mexico.

(b) REQUIREMENTS.—In developing plans under subsection (a), the Secretary shall—

(1) consult with the heads of other Federal agencies with relevant scientific and operational expertise to verify that holders of oil and gas leases can conduct any response and containment operations provided for in the plans;

(2) ensure that all critical information and spill scenarios are included in the plans, including oil spill containment and control methods to ensure that holders of oil and gas leased can conduct the operations provided for in the plans;

(3) ensure that the plans include shared international standards for natural resource extraction activities;

(4) in consultation with the Secretary of State, to the maximum extent practicable, include recommendations for Congress on a joint contingency plan with the countries of Mexico, Cuba, and the Bahamas to ensure an adequate response to oil spills located in the eastern Gulf of Mexico; and

(5) to the maximum extent practicable, ensure that the contingency plan described in paragraph (4) contains a description of the organization and logistics of a response team for each country described in that paragraph (including each applicable Federal and State agency).

(c) MODELING OF CUBAN WATERS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall conduct modeling of the Cuban waters.

(2) USE OF MODELING.—For purposes of developing the plans required under subsection (a), the Secretary shall take into account any modeling data collected under paragraph (1).

(d) VERIFICATION PROCESS.—The Secretary may conduct a verification process to ensure that any companies operating in the United States that are conducting drilling operations off the coast of Cuba are subject to

standards that are as stringent as the standards under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

By Mr. ROCKEFELLER:

S. 408. A bill to provide for the temporary retention of sole community hospital status for a hospital under the Medicare program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Community Hospital Jobs Act of 2011, legislation that gives Fairmont General Hospital, a small community hospital in West Virginia, the chance to make an important transition.

Many of Marion County's residents were born at Fairmont General Hospital—founded in 1939. And many of the hospital's 700 employees are from the surrounding area. That is why, when Fairmont's leaders told me the hospital was going to lose a large portion of its Medicare payments because it was going to lose its status as a Sole Community Hospital, I knew it was important to make sure Fairmont General maintained its role as a vibrant health care leader in our community—and I began looking for ways to help.

Over the last couple of years, I have worked extensively with Fairmont officials and with other members of the West Virginia delegation to identify possible solutions to Fairmont's problem, which the hospital did nothing to cause. First we looked for a regulatory solution. However, after speaking extensively with federal and hospital officials, scrutinizing every regulation, we determined that without intervention from Congress, Fairmont would lose its status as the sole community hospital—and with it, additional federal payments that are helping the hospital stay afloat and maintain jobs, as many as 70 of which may be at stake.

Once it became clear that legislation was necessary, I got to work again on behalf of Fairmont. Last fall, I started to work on a legislative solution to allow Fairmont to retain its sole community hospital status. And, when the Senate began consideration of an end-of-the-year health care bill, I pushed for the inclusion of legislative language to allow Fairmont to keep its sole community hospital status for a three-year transition period. Unfortunately, this language was not ultimately included in the final Medicare and Medicaid Extenders Act of 2010—but I am not going to give up.

Fairmont General does not give up on its patients, and I am not giving up on Fairmont. That is why I am introducing this important legislation today.

I urge my colleagues to support the Community Hospital Jobs Act.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. GRAHAM, Mr. CORNYN, Mr. DURBIN, and Ms. KLOBUCHAR):

S. 410. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, I reintroduce the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what goes on there. Our judicial system is a secret to many people across the country. Letting the sun shine in on federal courtrooms will give Americans an opportunity to better understand the judicial process. Courts are the bedrock of the American justice system. Allowing greater access to our courts will inspire faith in and restore appreciation for our judges who pledge equal and impartial justice for all.

For decades, states such as my home state of Iowa have allowed cameras in their courtrooms with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen States allow news coverage in most courts; 16 allow coverage with slight restrictions; and the remaining 15 allow coverage with stricter rules.

The bill I am introducing today, along with Senator SCHUMER and five other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY, will greatly improve public access to Federal courts. It lets Federal judges open their courtrooms to television cameras and other electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into the courtrooms goes as smoothly as it has at the state level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges—it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a 3 year sunset provision. The bill also protects the privacy and safety of non-party witnesses by giving them the right to have their faces and voices obscured. Finally, it includes a provision to protect the due process rights of any party, and prohibits the televising of jurors.

We need to open the doors and let the light shine in on the Federal Judiciary. This bill improves public access to and therefore understanding of our federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our states have allowed news coverage of their courtrooms for decades. It is time we join them.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 410

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sunshine in the Courtroom Act of 2011''.

SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph—

(I) if that judge determines the action would constitute a violation of the due process rights of any party; and

(II) until the Judicial Conference of the United States promulgates mandatory guidelines under paragraph (5).

(B) NO MEDIA COVERAGE OF JURORS.—The presiding judge shall not permit the photographing, electronic recording, broadcasting, or televising of any juror in a trial proceeding, or of the jury selection process.

(C) DISCRETION OF THE JUDGE.—The presiding judge shall have the discretion to obscure the face and voice of an individual, if good cause is shown that the photographing, electronic recording, broadcasting, or televising of the individual would threaten—

(i) the safety of the individual;

(ii) the security of the court;

(iii) the integrity of future or ongoing law enforcement operations; or

(iv) the interest of justice.

(D) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under this paragraph shall terminate 3 years after the date of the enactment of this Act.

(3) INTERLOCUTORY APPEALS BARRED.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.

(4) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(5) MANDATORY GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines which a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.

(6) PROCEDURES.—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the courtroom use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgment of the rules by anyone individually or on behalf of any entity before being allowed to acquire any images or sounds from the courtroom.

(7) NO BROADCAST OF CONFERENCES BETWEEN ATTORNEYS AND CLIENTS.—There shall be no audio pickup or broadcast of conferences which occur in a court proceeding between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge, if the conferences are not part of the official record of the proceedings.

(8) EXPENSES.—A court may require that any accommodations to effectuate this Act be made without public expense.

(9) INHERENT AUTHORITY.—Nothing in this Act shall limit the inherent authority of a court to protect witnesses or clear the courtroom to preserve the decorum and integrity of the legal process or protect the safety of an individual.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. LANDRIEU, Mr. SHELBY, Ms. STABENOW, Mrs. BOXER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. FRANKEN, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 412. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, in 1986, the Congress wisely established the Harbor Maintenance Trust Fund to pay for operation and maintenance of our Nation's harbors. This fund, which is fed by a tax based on the value of goods passing through our ports, today has a balance of more than $5.7 billion—a significant sum of money to address our Nation's need for clear and navigable harbors connecting our Nation's farmers and manufacturers to the web of international commerce.

But that $5.7 billion is not being used that way, or at least, not to the extent it should be. Despite that significant balance, our harbors are struggling because of unmet maintenance needs. In the Great Lakes region alone, more than 18 million cubic yards of material need to be dredged from harbors to ensure safe navigation. Dredging these harbors would be a $200 million job. And on the coasts, similar backlogs threaten the safe and efficient movement of commerce that creates jobs and helps the American economy grow. The Army Corps of Engineers estimates that the nation's 59 busiest ports are available less than 35 percent of the time because they are inadequately maintained. Unless we act, the failure to address these maintenance needs could slow the flow of goods, reduce economic growth, cost jobs, and create hazards to navigation that could lead to accidents and environmental damage.

We need to address that maintenance backlog. The Harbor Maintenance Trust Fund can provide the funding to do so. But Congress must take action to ensure we address these needs. That is why today, Senator HUTCHISON and I, joined by 12 of our colleagues, have introduced the Harbor Maintenance Act of 2011.

Simply put, our legislation would connect our spending on harbor maintenance to the revenue collected in the Harbor Maintenance Trust Fund. As commerce continues to grow and shipping becomes an ever-more-important driver of economic growth, proper maintenance is vital.

A wise car owner does not ignore the need to change the oil. A smart homeowner makes sure the roof is in good shape. They do so because a small investment in maintenance today can prevent much bigger costs tomorrow. We should follow the same philosophy when it comes to our harbors. We should ensure that we make smart investments today that will pay off for years to come.

I thank Senator HUTCHISON and our co-sponsors for their work on behalf of this important legislation, and I urge my colleagues to help us ensure its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 412

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harbor Maintenance Act of 2011''.

SEC. 2. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 413. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to join Senator LIEBERMAN and Senator CARPER in introducing the Cyber Security and Internet Freedom Act of 2011. This vital legislation would

fortify the government's efforts to safeguard America's cyber networks from attack and ensure that access to the Internet is protected and its availability preserved for every American.

The Internet is vital to almost every facet of Americans' daily lives—from the water we drink to the power we use to the ways we communicate. It is essential to the free flow of ideas and information. The Internet is a manifestation of the ideals that underlie the First Amendment of our Constitution and the core freedoms that all Americans hold dear. It is essential that the Internet and our access to it be protected to ensure both reliability of the critical services that rely upon it and the availability of the information that travels over it. While the United States must ensure the security of our nation and its critical infrastructure, it must do so in a manner that does not deprive Americans of the ability to lawfully read or express their views. Neither the President nor any other Federal official should have the authority to ''shut down'' the Internet.

In June 2010, Senator LIEBERMAN, Senator CARPER, and I introduced legislation to strengthen the government's efforts to safeguard America's cyber networks from attack; build a public/private partnership to promote national cyber security priorities; and bolster the government's ability to set, monitor compliance with, and enforce standards and policies for securing Federal civilian systems and the sensitive information they contain. In late June, that bill was unanimously approved by the Senate Homeland Security and Governmental Affairs Committee.

Today we are introducing for the 112th Congress the bill unanimously approved by our committee, but with explicit provisions preventing the President from shutting down the Internet and providing an opportunity for judicial review of designations of our most sensitive systems and assets as ''covered critical infrastructure.''

President Mubarak's actions in January to shut down Internet communications in Egypt were, and are, totally inappropriate. Freedom of speech is a fundamental right that must be protected, and his ban was clearly designed to limit criticisms of his government. Our cyber security legislation is intended to protect the United States from external cyber attacks. Yet, some have suggested that the legislation the Committee reported during the last Congress would empower the President to deny U.S. citizens access to the Internet. Nothing could be further from the truth.

I would never sign on to legislation that authorized the President, or anyone else, to shut down the Internet. Emergency or no, the exercise of such broad authority would be an affront to our Constitution.

But our outmoded current laws do give us reason to be concerned. Most important, under current law, in the event of a cyber attack, the President's authorities are broad and ambiguous—a recipe for encroachments on privacy and civil liberties.

For example, in the event of a war or threat of war, the Communications Act of 1934 authorizes the President to take over or shut down wire and radio communications providers. This law is a crude sledgehammer built for another time and technology. Our bill contains a number of protections to make sure that broad authority cannot be used to shut down the Internet.

First, section 2 of the bill states explicitly:

> Notwithstanding any other provision of this Act, an amendment made by this Act, or section 706 of the Communications Act of 1934, neither the President, the Director of the National Center for Cybersecurity and Communications, or any officer or employee of the United States Government shall have the authority to shut down the Internet.

Second, the emergency measures in our bill apply in a precise and targeted way only to our most critical infrastructure—vital components of the electric power grid, telecommunications networks, financial systems or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted. This definition would not cover the entire Internet, the Internet backbone, or even entire companies.

In defining covered critical infrastructure, our bill directs the Secretary to consider the consequences of a disruption of a particular system or asset. To constitute a ''national or regional catastrophe,'' the disruption would need to cause a mass casualty event which includes an extraordinary number of fatalities; severe economic consequences; mass evacuations with a prolonged absence; or severe degradation of national security capabilities, including intelligence and defense functions.

When the Committee reported this bill last year, the report clarified what these four factors mean, specifically referencing the current DHS interpretation of ''national or severe economic consequences; mass evacuations with a prolonged absence; or regional catastrophe.'' Under DHS's interpretation, a ''national or regional catastrophe'' includes a combination of the following factors: more than 2,500 prompt fatalities; greater than $25 billion in first-year economic consequences; mass evacuations with a prolonged absence of greater than one month; or severe degradation of the nation's security capabilities.

As our Committee's report noted, we expect the Department to apply this standard in determining which particular systems or assets constitute covered critical infrastructure.

Third, our legislation restricts the President's ability to declare a national cyber emergency to those circumstances in which an ''actual or imminent'' cyber attack would disrupt covered critical infrastructure that would cause these catastrophic consequences.

Fourth, any measures ordered by the President must be ''the least disruptive means feasible.''

Fifth, the authority our bill would grant is time limited. The President could only declare a cyber emergency for 30-day period and only for up to 120 days. After that, Congress would be required to specifically authorize further measures. Any declaration would be subject to congressional oversight, as our bill requires the President to notify Congress regarding the specific threat to our nation's infrastructure, why existing protections are not sufficient, and what specific emergency measures are required to respond to the specific threat.

Sixth, the legislation expressly forbids the designation of any system or asset as covered critical infrastructure ''based solely on activities protected by the first amendment to the United States Constitution.''

Seventh, the bill provides for a robust administrative process for an owner or operator to challenge the designation of a system or asset as covered critical infrastructure and expressly permits challenges of a final agency determination in federal court.

Our bill contains protections to prevent the President from denying Americans access to the Internet—even as it provides clear and unambiguous direction to ensure that those most critical systems and assets that rely on the Internet are protected. And, even though experts question whether anyone can technically ''shut down'' the Internet in the United States, we included explicit language prohibiting the President from doing what President Mubarak did.

I would like to stress that the need for Congress to pass a comprehensive cyber security bill is more urgent than ever.

Cyber-based threats to U.S. information infrastructure are increasing, constantly evolving, and growing more dangerous.

In March 2010 the Senate's Sergeant at Arms reported that the computer systems of Congress and the Executive Branch agencies are now under cyber attack an average of 1.8 billion times per month. The annual cost of cyber crime worldwide has climbed to more than $1 trillion.

Coordinated cyber attacks have crippled Estonia, Georgia, and Kyrgyzstan and compromised critical infrastructure in countries around the world.

Devastating cyber attacks could disrupt, damage, or even destroy some of our nation's critical infrastructure, such as the electric power grid, oil and gas pipelines, dams, or communications networks. These cyber threats could cause catastrophic damage in the physical world.

Based on media reports, China and Russia already have penetrated the computer systems of America's electric power grid, leaving behind malicious

hidden software that could be activated later to disrupt the grid during a war or other national crisis.

In June 2010, cyber security experts discovered Stuxnet, one of the most sophisticated viruses ever found. Stuxnet was programmed specifically to infiltrate certain industrial control systems, allowing the virus to potentially overwrite commands and to sabotage infected systems. It had the potential to change instructions, commands, or alarm thresholds, which, in turn, could damage, disable, or disrupt equipment supporting the most critical infrastructure.

The private sector is also under attack. In January 2010, Google announced that attacks originating in China had targeted its systems as well as the networks of more than 30 other companies. The attacks on Google sought to access the email accounts of Chinese human rights activists. For other companies, lucrative information such as critical corporate data and software source codes were targeted.

According to a report released last week, coordinated and covert attacks hit more than five major oil, energy, and petrochemical companies. The focus of the intrusions was oil and gas field production systems, as well as financial documents related to field exploration and bidding for new oil and gas leases. The companies also lost information related to their industrial control systems.

In the cyber domain, the advantage lies with our adversaries, for whom success could be achieved by exploiting a single vulnerability that could produce disruptive effects at network speed. Effectively preventing or containing major cyber attacks requires that response plans be in place and roles and authorities of Federal government agencies and entities be clearly delineated in advance.

For too long, our approach to cyber security has been disjointed and uncoordinated. This cannot continue. The United States requires a comprehensive cyber security strategy backed by effective implementation of innovative security measures. There must be strong coordination among law enforcement, intelligence agencies, the military, and the private sector owners and operators of critical infrastructure.

This bill would establish the essential point of coordination across the Executive branch. The Office of Cyberspace Policy in the Executive Office of the President would be run by a Senate-confirmed Director who would advise the President on all cyber security matters. The Director would lead and harmonize Federal efforts to secure cyberspace and would develop a strategy that incorporates all elements of cyber security policy. The Director would oversee all Federal activities related to the strategy to ensure efficiency and coordination. The Director would report regularly to Congress to ensure transparency and oversight.

To be clear, the White House official would not be another unaccountable czar. The Cyber Director would be a Senate-confirmed position and thus would testify before Congress. The important responsibilities given to the Director of the Office of Cyberspace Policy related to cyber security are similar to the responsibilities of the current Director of the Office of Science and Technology Policy.

The Cyber Director would advise the President and coordinate efforts across the Executive branch to protect and improve our cyber security posture and communications networks. And, by working with a strong operational and tactical partner at the Department of Homeland Security, the Director would help improve the security of Federal and private sector networks.

This strong DHS partner would be the National Center for Cybersecurity and Communications, or Cyber Center. It would be located within the Department of Homeland Security to elevate and strengthen the Department's cyber security capabilities and authorities. This Center also would be led by a Senate-confirmed Director.

The Cyber Center, anchored at DHS, will close the coordination gaps that currently exist in our disjointed federal cyber security efforts. For day-to-day operations, the Center would use the resources of DHS, and the Center Director would report directly to the Secretary of Homeland Security. On interagency matters related to the security of Federal networks, the Director would regularly advise the President—a relationship similar to the Director of the NCTC on counterterrorism matters or the Chairman of the Joint Chiefs of Staff on military issues. These dual relationships would give the Center Director sufficient rank and stature to interact effectively with the heads of other departments and agencies, and with the private sector.

Congress has dealt with complex challenges involving the need for interagency coordination in the past with a similar construct. We have established strong leaders with supporting organizational structures to coordinate and implement action across agencies, while recognizing and respecting disparate agency missions.

The establishment of the National Counterterrorism Center within the Office of the Director of National Intelligence is a prime example of a successful reorganization that fused the missions of multiple agencies. The Director of NCTC is responsible for the strategic planning of joint counterterrorism operations, and in this role reports to the President. When implementing the information analysis, integration, and sharing mission of the Center, the Director reports to the Director of National Intelligence. These dual roles provide access to the President on strategic, interagency matters, yet provide NCTC with the structural support and resources of the office of the DNI to complete the day-to-day work of the NCTC. The DHS Cyber Center would replicate this successful model for cyber security.

This bill would establish a public/private partnership to improve cyber security. Working collaboratively with the private sector, the Center would produce and share useful warning, analysis, and threat information with the private sector, other Federal agencies, international partners, and state and local governments. By developing and promoting best practices and providing voluntary technical assistance to the private sector, the Center would improve cyber security across the nation. Best practices developed by the Center would be based on collaboration and information sharing with the private sector. Information shared with the Center by the private sector would be protected.

With respect to the owners and operators of our most critical systems and assets, the bill would mandate compliance with certain risk-based performance metrics to close security gaps. These metrics would apply to vital components of the electric grid, telecommunications networks, financial systems, or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted.

This approach would be similar to the current model that DHS employs with the chemical industry. Rather than setting specific standards, DHS would employ a risk-based approach to evaluating cyber risk, and the owners and operators of covered critical infrastructure would develop a plan for protecting against those risks and mitigating the consequences of an attack.

These owners and operators would be able to choose which security measures to implement to meet applicable risk-based performance metrics. The bill does not authorize any new surveillance authorities or permit the government to ''take over'' private networks. This model would allow for continued innovation and dynamism that are fundamental to the success of the IT sector.

The bill would protect the owners and operators of covered critical infrastructure from punitive damages when they comply with the new risk-based performance measures. Covered critical infrastructure also would be required to report certain significant breaches affecting vital system functions to the Center. Collaboration with the private sector would help develop mitigations for these cyber risks.

The Center also would share information, including threat analysis, with owners and operators of critical infrastructure regarding risks affecting the security of their sectors. The Center would work with sector-specific agencies and other Federal agencies with existing regulatory authority to avoid duplication of requirements, to use existing expertise, and to ensure government resources are employed in the most efficient and effective manner.

With regard to Federal networks, the Federal Information Security Management Act—known as FISMA—gives the Office of Management and Budget broad authority to oversee agency information security measures. In practice, however, FISMA is frequently criticized as a ''paperwork exercise'' that offers little real security and leads to a disjointed cyber security regime in which each Federal agency haphazardly implements its own security measures.

The bill we introduce today would transform FISMA from paper based to real-time responses. It would codify and strengthen DHS authorities to establish complete situational awareness for Federal networks and develop tools to improve resilience of Federal Government systems and networks.

The legislation also would ensure that Federal civilian agencies consider cyber risks in IT procurements instead of relying on the ad hoc approach that dominates civilian government cyber efforts. The bill would charge the Secretary of Homeland Security, working with the private sector and the heads of other affected departments and agencies, with developing a supply chain risk management strategy applicable to Federal procurements. This strategy would emphasize the security of information systems from development to acquisition and throughout their operational life cycle. The strategy would be based, to the maximum extent practicable, on standards developed by the private sector and would direct agencies to use commercial-off-the-shelf solutions to the maximum extent consistent with agency needs.

While the Cyber Center should not be responsible for micromanaging individual procurements or directing investments, we have seen far too often that security is not a primary concern when agencies procure their IT systems. Recommending security investments to OMB and providing strategic guidance on security enhancements early in the development and acquisition process will help ''bake in'' security. Cyber security can no longer be an afterthought in our government agencies.

These improvements in Federal acquisition policy should have beneficial ripple effects in the larger commercial market. As a large customer, the Federal Government can contract with companies to innovate and improve the security of their IT services and products. These innovations can establish new security baselines for services and products offered to the private sector and the general public without mandating specific market outcomes.

Finally, the legislation would direct the Office of Personnel Management to reform the way cyber security personnel are recruited, hired, and trained to ensure that the Federal Government and the private sector have the talent necessary to lead this national effort and protect its own networks. The bill would also provide DHS with temporary hiring and pay flexibilities to assist in the establishment of the Center.

We cannot afford to wait for a ''cyber 9/11'' before our government finally realizes the importance of protecting our digital resources, limiting our vulnerabilities, and mitigating the consequences of penetrations to our networks.

We must be ready. It is vitally important that we build a strong public-private partnership to protect cyberspace. It is a vital engine of our economy, our government, our country and our future.

I urge Congress to support this vitally important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 59—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 59

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2011 through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011 through September 30, 2011 under this resolution shall not exceed $4,749,869, of which amount—

(1) not to exceed $75,000 maybe expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011 through September 30, 2012, expenses of the committee under this resolution shall not exceed $8,142,634, of which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012 through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,392,765 of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 60—RECOGNIZING THE 50TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE LAW THAT CREATED REAL ESTATE INVESTMENT TRUSTS (REITS) AND GAVE MILLIONS OF AMERICANS NEW INVESTMENT OPPORTUNITIES THAT HELPED THEM BUILD A SOLID FOUNDATION FOR RETIREMENT AND HAS CONTRIBUTED TO THE OVERALL STRENGTH OF THE ECONOMY OF THE UNITED STATES

Mr. ISAKSON (for himself, Ms. MIKULSKI, Mr. LUGAR, Ms. COLLINS, Mr. BURR, Mr. BENNET, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORKER, Mr. PRYOR, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 60

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law Public Law 86–779 (74 Stat. 998), which enabled the establishment of real estate investment trusts (referred to in this preamble as ''REITs'') throughout the United States under regulations set by the Federal Government;

Whereas the enactment of this law enabled REITs to provide all investors with the same

opportunity to invest in large-scale commercial real estate that previously was open only to large financial institutions and wealthy individuals through direct investment in that real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification, and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirements throughout the 50 years preceding the date of agreement to this resolution; and

Whereas September 14, 2010, marked the 50th anniversary of the date of enactment of the law that created the REIT investment opportunity: Now, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from all walks of life as a result of this landmark law.

SENATE RESOLUTION 61—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 61

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period of March 1, 2011, through September 30, 2011, under this resolution shall not exceed $6,684,239, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $11,458,695, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $4,774,457, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 20011, through September 30, 2011, October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 62—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JOHNSON of South Dakota submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 62

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,304,188 of which amount (1) not to exceed $11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $7,378,606 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,074,419 of which amount (1) not to exceed $8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 63—DESIGNATING THE FIRST WEEK OF APRIL 2011 AS ''NATIONAL ASBESTOS AWARENESS WEEK''

Mr. BAUCUS (for himself, Mr. ISAKSON, Mr. TESTER, Mr. DURBIN, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 63

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 820 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2011 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2011, through September 30, 2011, under this resolution shall not exceed $4,636,433, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the Committee under this resolution shall not exceed $7,948,171, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,311,738, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2012, and February 28, 2013, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 65—EXPRESSING THE SENSE OF THE SENATE THAT THE CONVICTION BY THE GOVERNMENT OF RUSSIA OF BUSINESSMEN MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV CONSTITUTES A POLITICALLY MOTIVATED CASE OF SELECTIVE ARREST AND PROSECUTION THAT FLAGRANTLY UNDERMINES THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIAL SYSTEM OF RUSSIA

Mr. WICKER (for himself, Mr. CARDIN, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas it has been the long-held position of the United States to support the development of democracy, rule of law, judicial independence, freedom, and respect for human rights in the Russian Federation;

Whereas, on April 1, 2009, President Barack Obama and President of Russia Dmitry Medvedev issued a joint statement affirming that ''[i]n our relations with each other, we also seek to be guided by the rule of law, respect for fundamental freedoms and human rights, and tolerance for different views'';

Whereas President Medvedev publicly stated that ''Russia is a country of legal nihilism'' and that ''no European country can boast such a universal disregard for the rule of law'' and declared his ''main objective is to achieve independence for the judicial system'' through ''significant, maybe even radical changes'';

Whereas two prominent cases of ''universal disregard for the rule of law'' in Russia involve the president of the Yukos Oil Company, Mikhail Khodorkovsky, and his partner, Platon Lebedev, who were first convicted and sentenced in May 2005 to serve nine years in a remote penal camp for charges of tax evasion;

Whereas it is believed that Mr. Khodorkovsky was selectively targeted for prosecution because he supported and financed opposition political parties, among other reasons;

Whereas authorities in Russia subsequently expropriated Yukos assets and assigned ownership to a state company that is chaired by an official in the Kremlin;

Whereas courts around the world have described the Yukos proceedings as impartial

and have rejected motions from prosecutors in Russia seeking extradition of Yukos officials or materials;

Whereas, on February 5, 2007, prosecutors in Russia suspiciously brought new charges against Mr. Khodorkovsky and Mr. Lebedev on the eve of their eligibility for parole, accusing them of embezzling the entire Yukos oil production for 6 years (1998 through 2003);

Whereas, on December 16, 2010, and just days before judge Viktor Danilkin's verdict, Prime Minister Vladimir Putin publicly called Mr. Khodorkovsky a ''thief'' who must ''sit in jail,'' and stated that ''we should presume that Mr. Khodorkovsky's crimes have been proven in court'';

Whereas, on December 27, 2010, Mikhail Khodorkovsky and Platon Lebedev were convicted of embezzlement charges and sentenced to six additional years in prison;

Whereas the United States Department of State's 2009 Country Report on Human Rights Practices in Russia reported that ''the arrest, conviction, and subsequent treatment of Khodorkovsky raised concerns about due process and the rule of law, including the independence of courts'' and that Khodorkovsky was ''selectively targeted for prosecution because of his political activities and as a warning to other oligarchs against involvement in political or civil society issues'';

Whereas, following the 2010 conviction, the editorial boards of the New York Times, Washington Post, and Wall Street Journal stated respectively that the ''latest prosecution suggests that Russia's judiciary is still under Mr. Putin's thumb and Mr. Medvedev's talk of reform is just talk,'' ''Russia remains the country of Mr. Putin,'' and ''the Kremlin again chose to flout the rule of law, the political opposition and human rights'';

Whereas the Senate has consistently voiced concern about the impartial treatment of Mr. Khodorkovsky and Mr. Lebedev at the hands of the Government of Russia;

Whereas, on December 9, 2003, the Senate unanimously passed S. Res. 258 (108th Congress), calling on the authorities in Russia to ''dispel international concerns that the cases against Mikhail B. Khodorkovsky and other business leaders and politically motivated''; and

Whereas, on November 18, 2005, the Senate unanimously passed S. Res. 322 (109th Congress), expressing the sense that ''the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in cases dealing with perceived threats to authorities, the judiciary of Russia is frequently used as an instrument of the Kremlin and is not truly independent or fair;

(2) Mikhail Khodorkovsky and Platon Lebedev are political prisoners who have been denied basic due process rights under international law;

(3) in light of the record of selective prosecution, politicization, and abuse of process involved in their cases, and as a demonstration of Russia's commitment to the rule of law, democracy, and human rights, the 2010 conviction issued by authorities in Russia against Mr. Khodorkovsky and Mr. Lebedev should be overturned; and

(4) the Government of Russia is encouraged to take these actions to uphold the rule of law, democratic principles, and human rights to further a more positive relationship between the Governments and people of the United States and Russia in a new era of mutual cooperation.

SENATE RESOLUTION 66—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 66

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expense of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,732,860, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $2,970,617, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,237,755, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 67—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Ms. STABENOW submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 67

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $2,800,079 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $4,800,136 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $2,000,057 of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2012 and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 68—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 68

Resolved, That, in carrying out its powers, duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,482,609.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $2,541,614.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,059,007.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 69—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 69

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $5,333,808, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $9,143,671, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $3,809,862 of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions

related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 70—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was referred to the Committee on Rules and Administration:

S. RES. 70

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and, Oct. 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,840,717, of which amount—

(1) not to exceed $43,750 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $3,155,515, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,314,798, of which amount—

(1) not to exceed $31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 71—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mrs. MURRAY submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 71

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012 and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed $1,602,238 of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed $2,746,693 of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed $1,144,455, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,334 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2012, and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 72—RECOGNIZING THE ARTISTIC AND CULTURAL CONTRIBUTIONS OF THE ALVIN AILEY AMERICAN DANCE THEATER AND THE 50TH ANNIVERSARY OF THE FIRST PERFORMANCE OF ALVIN AILEY'S MASTERWORK, ''REVELATIONS''

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas Alvin Ailey American Dance Theater is recognized as one of the world's great dance companies;

Whereas Congress has recognized the Alvin Ailey American Dance Theater as one of our Nation's most important cultural ambassadors;

Whereas at the age of 29, founder Alvin Ailey first premiered the dance work, Revelations, on January 31, 1960, at the famed 92nd Street Y in New York City;

Whereas Revelations is set to spirituals and draws inspiration from Ailey's memories as a child growing up in Texas, and from the work of African-American writers such as James Baldwin and Langston Hughes;

Whereas since its premiere, Revelations has been seen by more than 23 million theatergoers, in 71 countries, and on 6 continents, making it the most widely seen works of modern dance;

Whereas Revelations was performed in front of a worldwide audience as part of the opening ceremonies of the 1968 Olympic Games in Mexico City;

Whereas Revelations has been performed for 5 U.S. Presidents, including at the inaugurals of President Carter in 1977 and President Clinton in 1993;

Whereas Revelations captures the faith and perseverance of the African-American people, and has influenced, and was influenced by, African-American cultural heritage and the social fabric of the United States; and

Whereas Revelations is beloved by people around the world, and its universal themes illustrate the strength and humanity within all of us: Now, therefore, be it

Resolved, That the Senate honors the Alvin Ailey American Dance Theater as it celebrates the 50th anniversary of the dance work Revelations.

SENATE RESOLUTION 73—SUPPORTING DEMOCRACY, UNIVERSAL RIGHTS AND THE IRANIAN PEOPLE IN THEIR PEACEFUL CALL FOR A REPRESENTATIVE AND RESPONSIVE DEMOCRATIC GOVERNMENT

Mr. KIRK (for himself, Mr. LEVIN, Mr. KYL, Mr. CASEY, Mr. NELSON of Florida, Mr. GRAHAM, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Whereas, on February 5, 2011, Mir Hossein Moussavi and Mehdi Karroubi requested permission from the Government of Iran to hold a peaceful demonstration on February 14, 2011;

Whereas Moussavi and Karroubi wrote, ''In order to declare support for the popular movements in the region, particularly with those of the freedom seeking movements of the people of Egypt and Tunisia against dictatorships, we request a permit to invite the people for a rally.'';

Whereas the Government of Iran denied this request and, on February 9, 2011, Revolutionary Guard Commander Hossein Hamedani said, ''We definitely see them as enemies of the revolution and spies, and we will confront them with force.'';

Whereas, before the planned protest on February 14, 2011, the Government of Iran placed Mehdi Karroubi and Mir Hossein Moussavi under house arrest and interrupted Internet, text message, satellite, and cell phone service inside Iran;

Whereas, on February 14, 2011, the people of Iran held demonstrations protesting the Iranian regime in Tehran, Rasht, Isfahan, Mashhad, Shiraz, Kermanshah, and Ahwaz;

Whereas, on February 15, 2011, members of the parliament of Iran called for the execution of opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami;

Whereas, on the same day, speaker of the Parliament in Iran Ali Larijani said, ''The parliament condemns the Zionist, American, anti-revolutionary and anti-national actions of the misled seditionists.'';

Whereas, on February 14, 2011, Secretary of State Hillary Clinton said, ''What you see happening in Iran today is a testament to the courage of the Iranian people and an indictment of the hypocrisy of the Iranian regime, a regime which over the last three weeks has constantly hailed what went on in Egypt. And now when given the opportunity to afford their people the same rights as they called for on behalf of the Egyptian people, once again, illustrate their true nature.'';

Whereas, on February 15, 2011, President Barack Obama saluted the ''courage'' of the Iranian people and said, ''We are going to continue to see the people of Iran have the courage to be able to express their yearning for greater freedoms and a more representative government.'';

Whereas, on February 15, 2011, European Union High Representative Catherine Ashton called ''on the Iranian authorities to fully respect and protect the rights of their citizens, including freedom of expression and the right to assemble peacefully'';

Whereas, on February 3, 2011, the Senate passed Senate Resolution 44, 112th Congress, reaffirming the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expressed strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights; and

Whereas the people of Iran also deserve support from the United States in their peaceful struggle for a representative and responsive democratic government that respects their universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones;

(2) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects these rights;

(4) calls on the Government of Iran to release all Iranians detained or imprisoned solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief;

(5) calls on the United Nations Human Rights Council to establish an independent human rights monitor for Iran; and

(6) affirms the universality of individual rights and the importance of democratic and fair elections.

Mr. LEVIN. Mr. President, I come to speak in support of the resolution submitted today by Senator KIRK, cosponsored by myself, Senator KYL, Senator BILL NELSON, and Senator CASEY.

Our resolution would add our voice to the many voices who are calling for the Iranian Government to respect the undeniable and universal rights of its people. It would condemn continuing violent repression on the part of the Iranian Government; reaffirm our Nation's commitment to universal freedoms; express our support for the Iranian people in their peaceful calls for reform; call on the Iranian Government to release those detained solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief; call on the United Nations to establish an independent human rights monitor for Iran; and reaffirm the universality of individual rights and the importance of democratic elections. It would amplify and strengthen the message that 24 of us sent this week in letter to Secretary Clinton urging her to work with the United Nations Human Rights Commission to establish a human rights monitor for Iran.

Recent events in Iran have continued a pattern of abuse, repression, and violation of civil and human rights that is all too familiar.

The people of Iran have rightly seen recent events in the Muslim world, including the removal of dictators in Tunisia and Egypt, as confirmation of the power of nonviolent protest. Just as they did in the aftermath of flawed elections in 2009, the people of Iran have sought to speak out against the corruption and repression in their government.

If justice is to be done, the Government of Iran would allow these protests, hear the grievances of the people, reform a government whose autocratic substance is in no way concealed by the facade of representative democracy that the regime has constructed. Instead, the Iranian Government has quashed protest, cut off access to the Internet and other means of communication, and placed opposition leaders under house arrest. Members of the ruling regime have called for the execution of opposition leaders and for violent repression of dissent.

We have seen in just a few short weeks the dramatic power of nonviolent protest. We have seen that ultimately, dictatorship will lose its iron grip. I believe we are all confident that the march of time and progress will restore to the people of Iran the rights their government denies them.

But today, as the Iranian people bear the brunt of autocracy and as dissenters face the threat of violent repression, it is important for all those who believe in universal rights to speak out against that repression and violence, to let the people of Iran know that they do not face these threats alone, and to declare that we are in support of their attempts to determine the course of their nation. I strongly support this resolution and call for its immediate passage.

SENATE RESOLUTION 74—DESIGNATES FEBRUARY 28, 2011, AS ''RARE DISEASE DAY''

Mr. BROWN of Ohio (for himself and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 74

Whereas rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States;

Whereas as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 Americans and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and amendments made by that Act;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally in years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2011, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

SENATE RESOLUTION 75—DESIGNATING MARCH 25, 2011, AS ''NATIONAL CEREBRAL PALSY AWARENESS DAY''

Mr. ISAKSON (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Whereas the term ''cerebral palsy'' refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairment, and blindness;

Whereas the Centers for Disease Control and Prevention has released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2011, as ''National Cerebral Palsy Awareness Day'';

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

SENATE RESOLUTION 76—RECOGNIZING THE SOLDIERS OF THE 14TH QUARTERMASTER DETACHMENT OF THE UNITED STATES ARMY RESERVE WHO WERE KILLED OR WOUNDED DURING OPERATION DESERT SHIELD AND OPERATION DESERT STORM

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, stationed in Greensburg, Pennsylvania, were killed, and 43 wounded, in Dhahran, Saudi Arabia, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorni III, 14th Quartermaster Detachment, of Hickory, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntington, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twentieth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service and sacrifice of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in Dhahran, Saudi Arabia;

(3) pledges its gratitude and support to the families of these soldiers; and

(4) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, Army Reserve, Marine Corps Reserve, Naval Reserve, Air National Guard, and Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 104. Mr. REID of Nevada submitted an amendment intended to be proposed to amendment SA 54 proposed by Mr. REID of Nevada to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 105. Mr. BROWN of Ohio (for himself, Mr. PORTMAN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra.

SA 106. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 107. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 108. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra; which was ordered to lie on the table.

SA 109. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, supra; which was ordered to lie on the table.

SA 110. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 111. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 104. Mr. REID of Nevada submitted an amendment intended to be proposed to amendment SA 54 proposed by Mr. REID of Nevada to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 21 and 22, of the amendment, strike ''ongoing airport operational and''.

SA 105. Mr. BROWN of Ohio (for himself, Mr. PORTMAN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Beginning on page 1, line 3, of the amendment, strike ''(3) establishes'' and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

SA 106. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 7 and all that follows through line 15 and insert the following:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to or greater than the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

SEC. _____. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

''(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

''(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

''(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

''(3) DEFINITIONS.—In this subsection:

''(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

''(i) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

''(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

''(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

''(C) PRIMARY SCREENING.—The term 'primary screening' means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.''.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term

''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SA 107. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word ''sec'' and insert the following:

___. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

''(g) ADDITIONAL SLOTS.—

''(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

''(B) increase competition in multiple markets;

''(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

''(D) not result in meaningfully increased travel delays;

''(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

''(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

''(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

''(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

''(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

''(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

''(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

''(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

''(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

''(A) caused congestion problems at the airport;

''(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority and Thurgood Marshall-Baltimore Washington International Airport;

''(C) affected the environment in the area surrounding the airport; and

''(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

''(7) ADDITIONAL EXEMPTIONS.—

''(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

''(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

''(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

''(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

''(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

''(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

''(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

''(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

''(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

''(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

''(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

(1) by inserting ''not'' after ''shall'' in subparagraph (B);

(2) by striking ''and'' after the semicolon in subparagraph (B);

(3) by striking ''Administration.'' in subparagraph (C) and inserting ''Administration; and''; and

(4) by adding at the end the following:

''(D) for purposes of section 41718, an air carrier that holds only slot exemptions''.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

''(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.''.

SA 108. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

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

(3) establishes a process to develop—

(A) air traffic requirements or all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot projects created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION PROCESS.—The Administrator shall expedite the approval process for Certificate of Authorization (COA) requests at test sites referred to in subsection (a)(1).

(d) SYSTEMS AND DETECTION TECHNIQUES.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and validate sensor integration and operation of unmanned aerial systems

(e) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at relevant test sites referred to in subsection (a)(1).

(f) CENTERS OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate a coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems. When establishing a new Center of Excellence for Unmanned Aerial Systems, the Administrator shall consult with the Secretary of Defense to ensure the Center of Excellence enhances existing efforts of Department of Defense Centers of Excellence regarding unmanned aerial systems.

(g) MODIFICATION OF REQUIREMENTS ON PILOT PROJECT.—Notwithstanding subsection (a)(1) the number of test sites for the pilot project under that subsection shall be 6 test sites, and such pilot project shall be created by not later than December 31, 2012.

SA 109. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(e) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at relevant test sites referred to in subsection (a)(1).

(f) CENTERS OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate a coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems. When establishing a new Center of Excellence for Unmanned Aerial Systems, the Administrator shall consult with the Secretary of Defense to ensure the Center of Excellence enhances existing efforts of Department of Defense Centers of Excellence regarding unmanned aerial systems.

SA 110. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 24, of the amendment, insert ''or the Baltimore/Washington Thurgood Marshall International Airport'' after ''Authority''.

SA 111. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(e) CENTER OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate an institution or coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 17, 2011, at 2:30 p.m. in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 17, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 17, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 17, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 17, 2011, in the President's Room, S–216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate of February 17, 2011, at 2:30 p.m. to conduct a hearing entitled ''The Homeland Security Department's Budget Submission for Fiscal Year 2012.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 17, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 17, 2011, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 17, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 17, 2011 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 17, 2011, at 2 p.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''U.S. Policy toward Latin America.''

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE CREATION OF REAL ESTATE INVESTMENT TRUSTS

Mr. ISAKSON. Mr. President, in just a moment, I will ask the body for unanimous consent to adopt S. Res. 60. Before I do, I wish to talk about the significance of this agreement we have come to on this important resolution.

Fifty years ago last September, President Eisenhower signed into law legislation that established real estate investment trusts, or REITs, as an investment opportunity for all investors. Prior to 1960, access to the highly desirable investment returns of commercial real estate assets was limited to institutions and wealthy individuals that had the financial wealth to make direct real estate investments. By creating REITs, Congress recognized that small investors should be afforded the same opportunity to invest in portfolios of large-scale commercial properties and achieve the same investment benefits—diversification, liquidity, performance, transparency—as those able to make direct investments in real estate.

Some of my colleagues may not be familiar with each REIT property in their States, but they should be aware that these properties are making a significant contribution to the economic vitality of their State and our Nation. REITs are companies dedicated to the ownership and development of income producing real estate, such as apartments, regional malls, shopping centers, office buildings, self storage facilities and industrial warehouses. They operate under an intricate set of tax rules that require them to, among other things, meet specific tests regarding the composition of their gross income and assets, in order to stay in business. For example, Federal tax law requires that 95 percent of a REIT's annual gross income must be from specified sources such as dividends, interests and rents, and 75 percent of the gross income must be from real estate related sources. Similarly, at the end of each calendar quarter, 75 percent of a REIT's assets must consist of specified ''real estate'' assets. Consequently, REITs must derive a majority of their gross income from commercial real estate. And, the REIT rules require that at least 90 percent of a REIT's total income must be returned to the company's shareholders in the form of dividends.

While REITs have played a major role in the U.S. economy since 1960, their mark in the investing world has primarily been achieved since passage of the Tax Reform Act of 1986, a time period many refer to as the ''Modern REIT Era.'' This law removed most of the tax-sheltering capability of real estate and emphasized income producing transactions, allowing REITs to operate and manage real estate as well as own it. I am pleased that over the years, Congress has adopted legislation to perfect the REIT method of investing in real estate. Among many proposals, these include the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act passed in 2008.

REIT executives are hard-working business men and women who are singularly focused on bringing increased value to their shareholders. According to the National Association of Real Estate Investment Trusts, NAREIT, which is also celebrating its golden anniversary, these executives have proven to be successful in this objective, especially in the past two years in the wake of the financial downturn. Indeed, the vision of Congress has come to fruition: the equity market capitalization of REITs at the end of 2010 was $389 billion, up from only $1.5 billion at the end of 1971, and listed REITs distributed $13.5 billion to shareholders in 2009.

I am pleased to be joined by my colleague, Senator MIKULSKI, who is a cosponsor of this legislation, and I am pleased that my home state of Georgia is headquarters to several REIT companies that are engaged in the daily business of creating wealth and employment for many investors across the country and my constituents. These companies include Cousins Properties Incorporated, Gables Residential Trust, Piedmont Office Realty Trust, Incorporated, Post Properties, Incorporated, and Wells Real Estate Investment Trust. In total, there are more than 1400 REIT properties located in Georgia, with an estimated historical cost in the billions of dollars.

Commercial real estate represents more than 6 percent of this country's gross domestic product and is a key generator of jobs and other economic activities. Today, because of the foresight that Congress had 5 decades ago, anyone can purchase shares of real estate operating companies, and do so in a manner that meets their investments needs by focusing on a particular sector in the commercial real estate world and a specific region of the country. That is the beauty of the REIT method of investing, whose influence has now spread abroad to more than 2 dozen countries that have adopted a similar model encouraging real estate investment.

I again congratulate the REIT industry on this momentous occasion of their 50 years of leadership in the real estate investing market. REITs have fulfilled Congress' vision by making investments in large scale, capital intensive commercial real estate available to all investors. I thank my colleagues for supporting this resolution, and I look forward to continuing to work with them on issues of importance to REIT investors.

With that, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 60, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 60) recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ISAKSON. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law Public Law 86–779 (74 Stat. 998), which enabled the establishment of real estate investment trusts (referred to in this preamble as ''REITs'') throughout the United States under regulations set by the Federal Government;

Whereas the enactment of this law enabled REITs to provide all investors with the same opportunity to invest in large-scale commercial real estate that previously was open only to large financial institutions and wealthy individuals through direct investment in that real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification, and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirements throughout the 50 years preceding the date of agreement to this resolution; and

Whereas September 14, 2010, marked the 50th anniversary of the date of enactment of the law that created the REIT investment opportunity: Now, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from

all walks of life as a result of this landmark law.

The PRESIDING OFFICER. The Senator from West Virginia.

MAKING A TECHNICAL AMENDMENT TO THE EDUCATION SCIENCES REFORM ACT OF 2002

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 12, S. 365.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 365) to make a technical amendment to the Education Sciences Reform Act of 2002.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 365) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 365

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

SECTION 1. TECHNICAL AMENDMENT TO EDUCATION SCIENCES REFORM ACT OF 2002.

Section 174(e)(1)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564(e)(1)(A)) is amended by inserting '', subject to 1 extension of not more than 12 months, at the Secretary's discretion, for any contract in effect on, or entered into after, January 1, 2011'' after ''period''.

W. CRAIG BROADWATER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 307 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 307) to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the ''W. Craig Broadwater Federal Building and United States Courthouse.''

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no interviewing action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 307) was ordered to a third reading, was read the third time, and passed, as follows:

S. 307

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, shall be known and designated as the ''W. Craig Broadwater Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''W. Craig Broadwater Federal Building and United States Courthouse''.

SAM D. HAMILTON NOXUBEE WILDLIFE REFUGE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 266 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 266) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 266) was ordered to a third reading, was read the third time, and passed, as follows:

S. 266

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

SECTION 1. REDESIGNATION OF THE NOXUBEE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—The Noxubee National Wildlife Refuge, located in the State of Mississippi, is redesignated as the ''Sam D. Hamilton Noxubee National Wildlife Refuge''.

(b) BOUNDARY REVISION.—Nothing in this Act prevents the Secretary of the Interior from making adjustments to the boundaries of the Sam D. Hamilton Noxubee National Wildlife Refuge (referred to in this section as the ''Refuge''), as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(c) ADDITION OF LAND.—Nothing in this Act prevents the Secretary of the Interior from adding to the Refuge new land or parcels of the National Wildlife Refuge System, as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(d) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, paper, or other document of the United States to the Noxubee National Wildlife Refuge is deemed to refer to the Sam D. Hamilton Noxubee National Wildlife Refuge.

RESOLUTIONS SUBMITTED TODAY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 72, S. Res. 73, S. Res. 74, S. Res. 75, and S. Res. 76.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no interviewing action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. RES. 72

(Recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, ''Revelations'')

Whereas Alvin Ailey American Dance Theater is recognized as one of the world's great dance companies;

Whereas Congress has recognized the Alvin Ailey American Dance Theater as one of our Nation's most important cultural ambassadors;

Whereas at the age of 29, founder Alvin Ailey first premiered the dance work, Revelations, on January 31, 1960, at the famed 92nd Street Y in New York City;

Whereas Revelations is set to spirituals and draws inspiration from Ailey's memories as a child growing up in Texas, and from the work of African-American writers such as James Baldwin and Langston Hughes;

Whereas since its premiere, Revelations has been seen by more than 23 million theatergoers, in 71 countries, and on 6 continents, making it the most widely seen works of modern dance;

Whereas Revelations was performed in front of a worldwide audience as part of the opening ceremonies of the 1968 Olympic Games in Mexico City;

Whereas Revelations has been performed for 5 U.S. Presidents, including at the inaugurals of President Carter in 1977 and President Clinton in 1993;

Whereas Revelations captures the faith and perseverance of the African-American people, and has influenced, and was influenced by, African-American cultural heritage and the social fabric of the United States; and

Whereas Revelations is beloved by people around the world, and its universal themes illustrate the strength and humanity within all of us: Now, therefore, be it

Resolved, That the Senate honors the Alvin Ailey American Dance Theater as it celebrates the 50th anniversary of the dance work Revelations.

S. RES. 73

Supporting democracy, universal rights, and the Iranian people in their keep peaceful call for a representative and responsive democratic government

Whereas, on February 5, 2011, Mir Hossein Moussavi and Mehdi Karroubi requested permission from the Government of Iran to hold a peaceful demonstration on February 14, 2011;

Whereas Moussavi and Karroubi wrote, ''In order to declare support for the popular movements in the region, particularly with those of the freedom seeking movements of the people of Egypt and Tunisia against dictatorships, we request a permit to invite the people for a rally.'';

Whereas the Government of Iran denied this request and, on February 9, 2011, Revolutionary Guard Commander Hossein Hamedani said, ''We definitely see them as enemies of the revolution and spies, and we will confront them with force.'';

Whereas, before the planned protest on February 14, 2011, the Government of Iran placed Mehdi Karroubi and Mir Hossein Moussavi under house arrest and interrupted Internet, text message, satellite, and cell phone service inside Iran;

Whereas, on February 14, 2011, the people of Iran held demonstrations protesting the Iranian regime in Tehran, Rasht, Isfahan, Mashhad, Shiraz, Kermanshah, and Ahwaz;

Whereas, on February 15, 2011, members of the parliament of Iran called for the execution of opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami;

Whereas, on the same day, speaker of the Parliament in Iran Ali Larijani said, ''The parliament condemns the Zionist, American, anti-revolutionary and anti-national actions of the misled seditionists.'';

Whereas, on February 14, 2011, Secretary of State Hillary Clinton said, ''What you see happening in Iran today is a testament to the courage of the Iranian people and an indictment of the hypocrisy of the Iranian regime, a regime which over the last three weeks has constantly hailed what went on in Egypt. And now when given the opportunity to afford their people the same rights as they called for on behalf of the Egyptian people, once again, illustrate their true nature.'';

Whereas, on February 15, 2011, President Barack Obama saluted the ''courage'' of the Iranian people and said, ''We are going to continue to see the people of Iran have the courage to be able to express their yearning for greater freedoms and a more representative government.'';

Whereas, on February 15, 2011, European Union High Representative Catherine Ashton called ''on the Iranian authorities to fully respect and protect the rights of their citizens, including freedom of expression and the right to assemble peacefully'';

Whereas, on February 3, 2011, the Senate passed Senate Resolution 44, 112th Congress, reaffirming the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expressed strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights; and

Whereas the people of Iran also deserve support from the United States in their peaceful struggle for a representative and responsive democratic government that respects their universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones;

(2) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects these rights;

(4) calls on the Government of Iran to release all Iranians detained or imprisoned solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief;

(5) calls on the United Nations Human Rights Council to establish an independent human rights monitor for Iran; and

(6) affirms the universality of individual rights and the importance of democratic and fair elections.

S. RES. 74

Designates February 28, 2011, as ''Rare Disease Day''

Whereas rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States;

Whereas as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 Americans and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and amendments made by that Act;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally in years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2011, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

S. RES. 75

Designating March 25, 2011, as ''National Cerebral Palsy Awareness Day''

Whereas the term ''cerebral palsy'' refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairment, and blindness;

Whereas the Centers for Disease Control and Prevention has released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2011, as ''National Cerebral Palsy Awareness Day'';

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

S. RES. 76

Recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm

Whereas 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, stationed in Greensburg, Pennsylvania, were killed, and 43 wounded, in Dhahran, Saudi Arabia, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorni III, 14th Quartermaster Detachment, of Hickory,

Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntington, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twentieth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service and sacrifice of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in Dhahran, Saudi Arabia;

(3) pledges its gratitude and support to the families of these soldiers; and

(4) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, Army Reserve, Marine Corps Reserve, Naval Reserve, Air National Guard, and Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

ADJOURNMENT AND/OR RECESS OF THE HOUSE AND SENATE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 17, the adjournment resolution, which was received from the House and is at the desk; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 17) was agreed to, as follows:

H. CON. RES. 17

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROCKEFELLER. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 12; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

Mrs. FEINSTEIN. Mr. President, I rise to support the nomination of Ms. Stephanie O'Sullivan to be the Principal Deputy Director of National Intelligence or PDDNI.

The Senate Intelligence Committee has carefully considered her nomination and stands strongly in favor of her nomination.

As is the case with many deputies to principals, the Principal Deputy DNI is an extremely important position that has two main responsibilities: To assist the DNI, and to act on behalf of the DNI in his absence or due to a vacancy in the position.

In broader terms, the role of the Principal Deputy DNI is a key one to the functioning of the Office of the DNI and in the effective and efficient operation of the Intelligence Community.

If confirmed, Ms. O'Sullivan will be the fourth Principal Deputy DNI since Congress created the position in 2004. Like the past Directors of National Intelligence before him, DNI Clapper has made clear the need to have this position filled. The tasks of managing the Intelligence Community, running the Office of the DNI, and serving as the primary intelligence advisor to the President is more than any one official can fulfill. It is, at minimum, two full time jobs—hence the need to confirm a deputy.

Furthermore, it is a significant and welcome development that Director Clapper recommended and that the President nominated Ms. O'Sullivan to serve in this role. As the current Associate Deputy Director of the CIA and long-serving CIA official, Ms. O'Sullivan's confirmation to the Principal Deputy DNI position should help end the disputes between the Office of the DNI and the CIA that we have seen in the past.

Ms. O'Sullivan was nominated to be the Principal Deputy DNI on January 5, 2011. Ms. O'Sullivan completed the committee's standard questionnaire and responded to a large number of prehearing questions. She appeared before the committee on February 3 and answered all questions put to her. On February 15, 2011, the Intelligence Committee voted unanimously to recommend Ms. O'Sullivan's confirmation to the Senate.

It is clear from her background that Ms. O'Sullivan has the experience necessary to be an effective Principal Deputy DNI. She has been the Associate Deputy Director of the CIA since December 2009. Prior to that position, Ms. O'Sullivan headed CIA's Directorate of Science and Technology for 4 years. In that role, she managed CIA's technological innovation and support to case officer operations. In all, Ms. O'Sullivan spent over 14 years combined in the Directorate of Science and Technology. Before the CIA, she worked in the Office of Naval Intelligence, and at TRW, which is now part of Northrop Grumman.

Her current role in the CIA is akin to that of chief operating officer—similar to her position if confirmed to be Principal Deputy DNI. She has acquitted herself well in her current capacity and I am confident she will do so in the position to which she has been nominated.

In sum, Ms. O'Sullivan will be a great asset to the Office of the Director of National Intelligence and the intelligence community as a whole because

of her experience in the community and the management skills she developed in her leadership roles at the CIA.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 23

Mr. ROCKEFELLER. I ask unanimous consent that on Monday, February 28, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 6, S. 23, the Patent Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that on Monday, February 28, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 2 and Calendar No. 9; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 2 be confirmed and the Senate proceed to vote, without intervening action or debate, on Calendar No. 9, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, Senator ROCKEFELLER, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 28, 2011

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 17 until 2 p.m. on Monday, February 28; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator ISAKSON then deliver Washington's Farewell Address to the Senate; that following the address, there be a period of morning business until 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; further, at 3:30, the Senate proceed to the consideration of Calendar No. 6, S. 23, the Patent Reform Act of 2011; and, finally, I ask that at 4:30 p.m., the Senate proceed to executive session to debate the nominations of Amy Totenberg and Steve Jones, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROCKEFELLER. Mr. President, Senators should expect rollcall votes at approximately 5:30 on Monday, February 28 on confirmation of Executive Calendar No. 9, the nomination of Steve Jones, of Georgia, to be U.S. District Judge for the Northern District of Georgia; the nomination of Amy Totenberg of Georgia, to be U.S. District Judge for the Northern District of Georgia, which will be confirmed by a voice vote.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 28, 2011

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:19 p.m., adjourned until Monday, February 28, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

THOMAS M. COUNTRYMAN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON—PROLIFERATION), VICE JOHN C. ROOD.

MICHELLE D. GAVIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARA E. RUDMAN, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SEAN R. MULVANEY.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

RYAN C. CROCKER, OF WASHINGTON, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE PENNE PERCY KORTH, TERM EXPIRED.

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE JOHN E. OSBORN, TERM EXPIRED.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012. (REAPPOINTMENT)

ANNE TERMAN WEDNER, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2013, VICE JAY T. SNYDER, TERM EXPIRED.

DEPARTMENT OF JUSTICE

THOMAS M. HARRIGAN, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE MICHELE M. LEONHART.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS L. CONANT

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, February 17, 2011:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

STEPHANIE O'SULLIVAN, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.