

You can't grow the economy if you're not growing the infrastructure. It's a lesson I think that we have maybe painfully learned over the last few months.

He was a spokesperson for doing much more on behalf of the infrastructure but also in behalf of the men and women who are employed in that effort and the people who would be employed in the future with modern airports, modern ports, modern rail systems, smart highway systems and an integrated transportation system. I have been very proud to serve with you all of this time, all of our time together in the Congress. Thank you for your knowledge and for your service.

Mr. PETRI. Before I wrap up, just one last point, and that is that I think one thing I've learned watching JIM OBERSTAR is the way he has expressed appreciation for and treated the people he works with on the staff of the committee and in the House. I think the fact that he spent many years as a staffer himself, sometimes you get angry about things but he always recognized the contribution and the importance of the work that was being done by people who devoted their lives often not in the public spotlight but even in more important endeavors as they actually worked out the details of legislation that were working with us, such as David Heymsfeld that he just referred to.

For these and many other reasons, you, sir, shall be missed.

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

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, a member of the committee and also a subcommittee chairman, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I certainly support the legislation, but I wanted to take a moment to express my thankfulness to the gentleman from Minnesota, Chairman OBERSTAR. You know, so often we look at our lives and we question how they will intersect with other people's lives. And we hope that when those intersections come about that we are made a better person because of them. And I can say that when my life eclipsed with that of JIM OBERSTAR's, my life became a better life.

As the chairman of the Coast Guard subcommittee, the gentleman from Minnesota was consistently there guiding, showing me the ropes and giving me an opportunity to be all that I could be. It's not every chairman that does that, that says, I'm going to allow you to be all that you can be and then give you the guidance to get there, and then support you throughout.

I've learned a lot in all my years, and it's been about 15 years on that committee, from our chairman. But there is also the thing that a number of other people have already said. I've been just amazed with his leadership and his passion with regard to the

issues of aviation, the Coast Guard, water, rail, and all of our other subjects. Not only is he a walking encyclopedia, but he is also one who brings a strong history to those issues and has been truly a professor, a guide and a true leader. They say that leaders, people want to follow people who have integrity, who have commitment, who will go the extra mile.

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

Mr. COSTELLO. I yield the gentleman an additional minute.

Mr. CUMMINGS. True leaders. JIM OBERSTAR is one who we know that even in those moments, as the Greek theologian Swindoll said, when he was unseen, unnoticed, unappreciated and unapplauded that he still did the right thing. That's what leadership is all about. Generations will be better off because Chairman OBERSTAR touched our lives. I wish him well.

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

Let me also say to Chairman OBERSTAR, I want to thank him for his kind words about this legislation and the work that both myself and the gentleman from Wisconsin (Mr. PETRI) has done. But actually every team has to have a captain and a leader and he has been the leader. He is the person that drove every transportation bill in the last several years coming out of the Transportation Committee on the floor of this House.

I have said many times both here in Washington and back in Illinois that no one in the Congress of the United States or in my opinion in the entire country knows more about transportation issues than JIM OBERSTAR. He's given all of his adult life to serve his country. His entire time here both as a staff person and as a member and then as chairman of the Transportation Committee, he has left us with a legacy that we can be very proud of. And I am very certain that as we end this Congress and move on to the 112th, as we are taking up our business, we will all turn to him and continue to ask him for his advice and to help us guide our way into the future as to how we can improve the quality of life for the people of this country by improving our transportation system.

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I thank him for not only his service, but personally for his guidance to me. He has been a mentor. Everything that I have learned about aviation I learned from JIM OBERSTAR. I wish him well and look forward to having him take my phone calls many times in the future as I turn to him for advice.

Mr. Speaker, I ask for strong support for this legislation.

Mr. MICA. Mr. Speaker, it is unfortunate that we find ourselves considering the 17th FAA Extension bill.

As of September 30th, it has been three years since the FAA was last authorized. This has been the longest period of time between FAA reauthorizations in decades, but still Con-

gress has been unable to reach agreement on a final FAA bill.

I know we are all disappointed that we have not been able to reach agreement on a full reauthorization package. Such a bill would:

Ensure stable funding for airport projects across the country, providing for long-term construction jobs;

Advance implementation of the Next Generation Air Traffic Control system; and

Improve aviation safety standards.

Both bodies have been negotiating to produce a final FAA bill that sets priorities and improves our airspace system.

Unfortunately, Congress just cannot seem to get the job done.

In the 112th Congress the FAA Reauthorization bill will be a top priority for the Committee. We will work closely with our colleagues across the aisle and in the other chamber to complete a bill as quickly as possible.

So, while I am sorry we were unable to reach agreement on a bill in this Congress, I support this extension to keep FAA up and running until we complete the bill next year. I urge my colleagues to adopt the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 6473.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6469

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

“(u) **INELIGIBILITY OF INSTITUTIONS.**—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

“(1) refuses to consent to a criminal background check that includes—

“(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

“(C) a search of the National Crime Information Center;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(2) makes a false statement in connection with such criminal background check;

“(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a felony consisting of—

“(A) homicide;

“(B) child abuse or neglect;

“(C) a crime against children, including child pornography;

“(D) spousal abuse;

“(E) a crime involving rape or sexual assault;

“(F) kidnapping;

“(G) arson; or

“(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may revise and extend and insert extraneous material on H.R. 6469 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, today we take up a suspension that requires all participating child care feeding situations to run background checks on people participating in those settings. We do so in support of children across this country who are hungry and who don't have access to nutritious meals and who couldn't vote in November, and support of this legislation will allow us to pass a clean child nutrition bill. They are the ones who don't have a voice but need our help.

Yesterday we postponed final consideration of the child nutrition legislation so we could fully address the issues of protecting our children while also ensuring passage of the child nutrition legislation. Our children cannot afford any more delays. Time is running out in this Congress.

This bill before us today ensures, along with State and Federal laws, that all children will be protected in child care. I support this bill and hope that it will pass.

In an effort to prevent passage of the child nutrition bill, the Republicans decided yesterday to offer a motion to

kill the bill and unfortunately to play politics with two important issues—our children's safety and our children's health. Make no mistake about it: If we accept the motion to recommit, we will kill the child nutrition bill.

Today, this House can take action to both keep children safe and keep them healthy by voting for this suspension, against the killer motion to recommit, and for the child nutrition bill.

H.R. 6469 is identical to the background check provisions offered by the minority and will help ensure that our Nation's children are protected from individuals with a history of criminal or abusive behavior. This legislation helps parents by giving them assurance that any child care provider participating in the Child and Adult Care Food Program has undergone criminal background checks.

Today's Federal law requires all participants in day care centers and homes that participate in the Child and Adult Care Feeding Program to be licensed and approved to provide care by State or local agencies. There is more to be done to keep children safe and in child care, and I hope the Republicans will join me in working to make this happen when we take up the reauthorization of the Child Care and Development Block Grant.

In the area of background checks for child care programs, most States have acted already in some fashion. For example, all but two States require criminal background checks for child care center employees. Furthermore, all but seven States require screening for child abuse and neglect. This legislation goes a step further by ensuring comprehensive background checks have been done for the providers at all child care programs participating in the Child and Adult Care Feeding Program.

This legislation is an important opportunity to vote in favor of protecting our Nation's children from harm. I urge our colleagues to join me in supporting this legislation and later today to vote against the motion to recommit and for passage of the child nutrition bill, the Healthy, Hunger-Free Kids Act.

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Members on the other side of the aisle talked a great deal yesterday—and even again today—about playing politics and gotchas here on the House floor, so I feel compelled to take a moment to set the record straight.

Yesterday, the House was supposed to debate and vote on a bill to reauthorize Federal child nutrition programs. Rather than allowing Members to offer amendments and fully engage in the legislative process, the majority decided the U.S. House of Representatives should have no say in these programs that affect childhood health and wellness. Members of the House would

have no involvement in writing initiatives to spend an additional \$4.5 billion in hard-earned taxpayer dollars on legislation that imposes significant operational and financial costs on our local school districts.

They brought this massive child nutrition bill—\$4.5 billion in new spending and 17 new or expanded Federal programs—to the floor under a closed rule. For the record, it was the 97th closed rule in the 4 years Democrats have controlled the people's House, 97th closed rule. Apparently it's easier to dictate the outcome when you prevent legislators from legislating. Talk about a gotcha. That's why I offered a motion to recommit, the one and only chance we had to remove some of the bill's most harmful provisions and insert stronger protections for our children.

My modest amendment included a pair of noncontroversial changes to the underlying bill that should have passed the House overwhelmingly, but that did not fit in the majority's plan. You see, as I said less than 24 hours ago, the clock is winding down on the 111th Congress, and there is a rush to push through as many bills at the last minute as this outgoing majority can manage.

As we witnessed yesterday, the sprint to the finish means the sacrifice of a deliberative process. I don't know about anyone else, but this seems all too familiar. Perhaps that's because it was just this year when the Democrats passed a massive government takeover of health care under a closed process. They denied Members an opportunity to offer their ideas or amendments. They promised the country a fiscally responsible plan while cutting backroom deals to hide the true cost of the legislation. All this was done in an effort to pass a partisan bill the American people have rejected.

Instead of letting lawmakers do our job and pass the best bill we can, the majority shut down the legislative process to defeat improvements to legislation while pretending to support them. Talk about playing politics.

Members will come to the floor shortly to support this bill, and why shouldn't they? This proposal, taken from my motion to recommit, the child nutrition legislation, protects children by requiring background checks for child care providers participating in Federal meal programs. It's a good proposal, which is why it belongs in the child nutrition legislation. Instead, we understand the majority party plans to execute a stunning same-day flip-flop, voting for these background checks now only to oppose them when they really count, as an improvement in the broader bill.

They will be for it before they are against it. This procedural gimmick may fix the political problem but leaves the policy broken. For anyone

still wondering why the American people hold their elected representatives in such low regard, I believe this is it.

Notably absent from this so-called cover vote is the other piece of our motion to recommit. The Republican plan would eliminate the middle class tax hidden in the child nutrition legislation. The Democrats' bill imposes an unprecedented Federal price mandate for paid school meals. As a result, many schools may have to increase the prices they charge children who pay for their meals.

The National Governors Association and leading school groups oppose this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher-quality meals. Our proposal would have blocked this harmful tax on working families.

We proposed, during the one and only opportunity we had to do so, a modest pair of corrections that would have made the bill better, our children safer, all while protecting working families. The majority party wants to defeat those corrections, but they cannot do so without political cover. So here we stand.

Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Minnesota for yielding the time.

I know full well from my experience in the State legislature, as well as working on the transition team here, that when one speaks of procedural issues, usually people's eyes glaze over. They are boring issues. However, good procedures do create good policy. Poor procedures create what we are doing here today.

As was said by the gentleman from Minnesota, had the motion to recommit, an amendment, been approved by this body, it would be attached in its entirety to the entire bill. This bill, if it goes to the President's desk, would have all of that language in it.

By changing the procedure, pulling the bill from the floor before the vote and now stripping out part of the motion to recommit and doing it as a suspension, it allows us once again to have political coverage that won't take place in reality of making changes in what happens to this bill or in the real world. For we all know the suspension that we pass here has a very high likelihood of dying in this session.

So we can come down here and say, yes, we want to protect our kids from predators and vote for the suspension knowing full well that that probably will never go into effect. It will die over in the Senate, if it gets that far, and then we'll vote for a bill that no longer has that concept that the House seemed, or at least appeared that it wanted, to add to this provision part of that.

And one of the rationales for doing that is because, well, most of the States already have those types of pro-

cedures. I hate to say this, but that argument can be used for almost all of this bill. See, one of the things that would not be included if indeed the suspension passes and then the motion to recommit fails is the deal with section 205, which, as was mentioned earlier, deals with the amount of money that people will pay—not for reduced lunches—but people will pay just because they don't qualify for reduced lunches.

I hate to use a personal example, but I've got to. As many of you know, I was a school teacher before I joined this august body. Now, this is not something great to note, but as a school teacher, I qualified under the standards for reduced lunches for my five kids. And as a school teacher who qualified for those reduced lunches, I refused to take advantage of that opportunity. I figured that no one had a gun to my head when I had the kids; it was my responsibility now to take care of my kids.

I don't think I'm unusual in that respect. I think there are hundreds of thousands of people who have the same attitude, that they want to take the responsibility for their progeny and the responsibility for what takes place. And, unfortunately, if this provision, section 205, is allowed to stay in the bill, it means the Federal Government—not local school districts, not boards where you actually have a chance to talk to people and they understand the demographics and the reasons—they will make the decision of what people who are paying the full price will pay for that price.

It can go up whenever someone wants it to go up, and has been mentioned, it becomes a disincentive for people to be responsible, to not ask the government to bail them out, to take responsibility and pay for at least school lunches for their own kids or school breakfasts or whatever the process has.

It becomes a counterintuitive argument that harms the process. And why? It's because the decision on what level that payment will be will no longer be made on the local school district level or at least at the State level. It will be made here where a one-size-fits-all program does indeed fail the process.

Now, this is simply—I don't want to call it political gamesmanship, but it is poor procedure that will result in two votes: one vote that is totally meaningless and another vote that misses the mark and does not improve what we're trying to do or what we should do in schools, and that is, allow people who really understand the process to have the final say at the local level where kids are, where the parents are, and where reality should hit. Not here.

Once again, this is not a school board. However often we have tried to act like one, we still are not.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman; and,

frankly, I think it's important for my colleagues to recognize that we have been there, done that. And I don't know how the minority consistently managed to trample on a need that America has had and that this Congress and this leadership and this President is trying to cure.

Robert F. Kennedy was one of the first elected officials to draw our attention to the extensive poverty in America. Going into the Appalachian Mountains, he showed the world how children woke up hungry and went to bed hungry.

It is well that the President's commitment and the first lady's charge have been to put our children on the front pages of America.

So I rise to support the underlying Healthy Hunger-Free Kids Act, recognizing we're discussing a suspension that involves all manner of confusion.

But I want America to understand what is really being addressed, which I hope my colleagues will overwhelmingly support. It is to complement the deficiencies of food stamps. It is to recognize that some children get their healthiest meals at breakfast and lunch and possibly, because of this program, through the weekend. It connects learning abilities with being well-nourished. And it speaks not to yesterday, but it speaks to tomorrow, the future of America.

Now, many of us were concerned of how this was paid for. But if you look closely at it, it's an outlay. And the question of food stamps has been addressed by discussions that we have had, and no cuts in food stamps will occur at this time.

But what will occur is that we will bring out of the drain of poverty those children that are our responsibility. I believe it is crucial that we support this legislation now and that we address all manner of information and representation that our friends have.

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

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. That we deal with the question of sexual predators which, as the chair of the Congressional Children's Caucus, I've worked on extensively. We deal with questions of potential fraud, which I don't know where our colleagues are documenting that.

But what we need to address is the 21 million meals provided through this provision that will offer more incentives for a more comprehensive school program and allow our children to learn and live. If America doesn't accept that as a challenge that it must connect with, then I don't know who we are as a people.

I'm gratified that we have finally recognized that poverty must finally be extinguished. I ask my colleagues to vote for the bill going forward for our children and our country.

I rise today to speak about S. 3307, the Healthy, Hunger-Free Kids Act of 2010.

S. 3307, the Healthy, Hunger-Free Kids Act, is the child nutrition reauthorization legislation that has already passed unanimously in the Senate. The legislation would dramatically improve the quality of meals children eat in school and in child care programs, increase the number of healthy meals available to needy children and provide the first real increase in the Federal reimbursement rate for school lunches in over 30 years. The legislation would also eliminate junk food from schools by requiring schools, for the first time, to apply nutritional standards to food served outside the cafeteria.

Mr. Speaker, while I wholeheartedly support what the Healthy, Hunger-Free Kids Act will do, it is unfortunate that we will have to take money away from the SNAP program in order to fund it.

I am concerned that the bill is paid for with a severe reduction in SNAP ARRA benefits and that it does not fully address the access improvements needed to connect children with those programs. In particular, I worry about the potential impact this could have on low-income children and families. I remain strong in my position to ensure that those participating in the food stamp program will not face negative consequences as a result of the child nutrition bill. While the funding of this bill concerns me, both the SNAP benefits and the Healthy, Hunger-Free Kids Act are necessary to reduce hunger and to improve our Nation's health. It would be a shame if either program were to fall by the wayside. Our President has indicated that he has all intention to ensure a positive commitment to the restoration of SNAP funds; and given that commitment, I stand here today in support of the Healthy, Hunger-Free Kids Act of 2010. Finally, I believe the commitment to cure any funding issue calls for strong support of this bill.

Mr. Speaker, we should remember that this Act is not an attempt to borrow money from one social welfare program to fund another. The intention is to assure that both programs, which will benefit the health and wellbeing of children, are adequately funded. Under this bill, children who are on food stamps will receive healthy meals while at school, and should receive healthy dinners and weekend meals as well.

I recognize that one in four children is at risk of hunger and that one in three is overweight or obese, our children cannot afford to wait for the improvements to child nutrition that are made in the Healthy, Hunger-Free Kids Act. Numerous organizations and advocacy groups that are working to reduce hunger and improve nutrition amongst children are in support of this legislation.

In turn, it is also important to recognize that the Healthy, Hunger-Free Kids Act will also provide more meals for children at risk. Included in this act is a provision that will reimburse the Child and Adult Care Food Programs (CACFP) in all fifty states for meals provided to children after-school. It is widely known, that children who are able to stay after school, and not unsupervised on the streets, are more apt to succeed academically. The 21 million meals provided through this provision will offer more incentives for more comprehensive after school programs that will subsequently improve our nation's overall academic performance.

The United States' obesity rates are higher than the majority of civilized countries in the

world. Nutrition and healthy living is a learned behavior, one that is best learned at young ages. Children will not have proper nutrition if their parents and guardians do not provide it for them. While parents undoubtedly have their children's best interest at heart, it is an unfortunate fact that many families simply cannot afford to provide their children with elements of a nutritious diet composed of healthier ingredients.

In a 2008 American School Health Association study, published in the Journal of School Health, the effects of a healthy diet on academic performance were examined and the findings were incredible. It was deduced that a diverse selection of food, to meet the recommended number of servings of each food group, along with a higher consumption of fruit and vegetables, are critical to strong academic performance. The Healthy, Hunger-Free Kids Act of 2010 provides access to healthier food services to our Nation's children. America's children deserve the opportunity to eat healthily, to live healthily, and to succeed academically.

Mr. Speaker, as I stand here to speak on behalf of my constituents in Houston, and on behalf of all Texans, I support this child nutrition initiative. According to the Texas Department of Agriculture, there are approximately 2.9 million participants in the school lunch programs statewide. The Healthy, Hunger-Free Kids Act will undoubtedly support those school lunch programs, and will also ensure that our youth receives a healthy, balanced meal while at school. Though these meals are offered only at school, they encourage healthier eating habits that will hopefully extend throughout the day and throughout their lives. It is absolutely imperative that our Nation's schools educate children at a young age about healthy active lifestyles and smart food choices.

I support the Healthy, Hunger-Free Kids Act of 2010 because of its nutrition initiatives aimed at our Nation's youth and because it portends billions of dollars in savings over the next ten years. Both nutrition and savings are important to our children's futures. This Act will save \$1 billion over the next ten years by requiring that 12% of Federal support for the National School Lunch Program will be provided in the form of commodity foods. Furthermore, approximately \$1.3 billion will be saved over the next ten years by restructuring the education component of the SNAP into a new grant program; it will eliminate the requirement for States to provide matching funds, and will distribute Federal funds instead.

The Healthy, Hunger-Free Kids Act is an important step towards a healthier future for our children. However, I maintain that it is absolutely necessary that SNAP funds are restored, and that that program is not foregone in our efforts. I urge my colleagues to mirror the Senate, and to support this bill, while calling for a commitment to restoring the SNAP funds.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time.

We're told that in a few minutes we will resume the debate on child nutrition where we left off yesterday before we were abruptly interrupted by the majority's strategy to prevent legislators from legislating.

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I urge my colleagues, if you support these sensible and important protec-

tions for children and working families, support our commonsense motion to recommit. Listen to the National School Boards Association, who in a letter today wrote, "The motion to recommit recognizes that Federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs." They are urging Congress to support the motion to recommit.

Listen to child care experts with the National Association of Child Care Resource & Referral Agencies, who today announced strong support for the motion to recommit to require a background check on all child care providers who participate in Federal child nutrition programs.

Mr. Speaker, I support the suspension. I ask my colleagues to support this suspension. But please, support the motion to recommit and provide the real protections our children and families need and deserve.

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE & REFERRAL AGENCIES,  
Arlington, VA, December 2, 2010.

Hon. JOHN KLINE,  
Senior Republican Member, U.S. Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KLINE: The National Association of Child Care Resource & Referral Agencies (NACCRRA) strongly supports your Motion to Recommit to S. 3307, Healthy, Hunger-Free Kids Act of 2010, to require a background check on all child care providers who participate in federal child nutrition programs.

NACCRRA works with more than 700 state and local Child Care Resource and Referral agencies (CCR&Rs) throughout the nation. These agencies help ensure that families in 99 percent of all populated zip codes in the United States have access to high-quality, affordable child care.

NACCRRA has released several reports that examine state laws and regulations with regard to child care centers and family child care homes. The most recent state requirements reveal that only half the states conduct effective background checks on child care workers—state and federal fingerprint record checks, a check of the sex offender and child abuse and neglect registries. A name check alone leaves children to chance.

Without a comprehensive check, parents have no way of knowing whether their child care provider has a criminal history. In fact, NACCRRA's 2010 nationwide poll of parents shows that 92 percent of parents support a background check for child care providers. Parents want their children to be safe. The reality is that background check requirements vary greatly by state and most fail to ensure that providers with a criminal history are not caring for children.

NACCRRA commends your leadership on this issue. Your efforts to ensure that all children are safe in child care and that no one with a violent criminal history is paid to provide child care with federal funds is a testament to your dedication to helping parents know their children are safe while they work.

Sincerely,

LINDA K. SMITH,  
Executive Director.

## NATIONAL SCHOOL BOARDS

## ASSOCIATION,

Alexandria, VA, December 2, 2010.

Re Motion to Recommit on S. 3307.

Hon. GEORGE MILLER,

Chairman, Committee on Education and Labor,  
House of Representatives, Washington, DC.

Hon. JOHN P. KLINE,

Ranking Member, Committee on Education and  
Labor, House of Representatives, Wash-  
ington, DC.

DEAR CHAIRMAN MILLER AND RANKING MEMBER KLINE: The National School Boards Association (NSBA), representing over 95,000 local school board members across the Nation through our state school boards associations, is deeply committed to fostering a healthy and positive learning environment for children to achieve their full potential. However, NSBA continues to have grave concerns about the financial and operational impact of the Healthy, Hunger-Free Kids Act (S. 3307) on school districts. The paid meal provision is one example. S. 3307 regulates how districts establish prices for unsubsidized meals, creating an access issue and a local control issue. School districts may try to keep the price of paid meals low in order to assure that children from low-income families that don't qualify for subsidized meals can still afford a school lunch. Local school districts are in the best position to determine how to price their meals in order to balance what school districts can afford and what families can afford in these economically challenging times. The Motion to Recommit recognizes that federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs. We urge you to support the Motion to Recommit as a means to enable the Congress to give more thorough review of the entire bill and to address several objections NSBA has to S. 3307 in its current form.

Questions regarding our concerns may be directed to Lucy Gettman, director of federal programs at 703-838-6763; or by e-mail at lgettman@nsba.org.

Sincerely,

MICHAEL A. RESNICK,  
Associate Executive Director.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, it was said that yesterday we rose so that we would be able to defeat the motion to recommit on the child nutrition bill, that somehow this was a misuse or abuse of procedure. I think what we see today is that we were very wise to do that, because the intent of that motion to recommit on the child nutrition bill was to kill the bill.

Now, ordinarily we would have accepted that motion to recommit on this bill. But we are all aware, we are beat over the head in this House with what's going on in the Senate. The Senate Republican leaders just sent a letter signed by all 42 Republicans that they would not consider any legislation until the tax cut legislation is dealt with. In *The New York Times*, it says it will cast a long shadow over all remaining legislation before their body. In *The Wall Street Journal*, *The Wall Street Journal* says that it throws a roadblock up before an array of other issues that have been proposed in the Senate.

We knew yesterday that we were dealing with a bill that came from the

Senate that was the subject of many hearings in the Senate committee, that passed after debate and amendment unanimously, bipartisanly out of the committee. It was reported to the floor and, after debate, was passed unanimously on a bipartisan basis in the Senate.

We also know that we are not going to be able to offer the House bill that Mr. KLINE, myself, our staffs, the members of our committee on both sides of the aisle worked on because we cannot get it considered in the Senate. We know that we must take, now, the Senate bill if we are going to make the progress on many of the issues that we agree on across this aisle that are in this bill. But we also know that we will not be able to change this bill from the Senate that passed unanimously and send it back into that Senate in the current array, because now any Senator will be able to object to what was previously done by unanimous consent because of other issues that are taking place in the Senate.

While we agree on the substance of the motion to recommit, we could not let that kill this bill. So today the Members can make their concerns known and vote for the suspension. I hope they will on both sides of the aisle. That can be sent to the Senate. And if the Senate feels the same urgency that we do about the protection of our children, both to make them safe and make them healthy, they can take up that suspension vote by UC sometime late before Christmas and pass it.

If not, I am sorry to say the gentleman will be chairman of the committee in January, and this can come out on—I am not sorry that you will be the chair—I am kind of sorry that you will be the chairman—not that you will be the chairman, but the chairmanship will go to the other side of the aisle. But anyway, this can come up on suspension and be sent to the Senate.

But we cannot risk the value of the underlying child nutrition bill. We cannot risk the changes that it makes to make those school lunches and breakfasts and nutrition programs safer for our children with the changes in the recall law when something goes very wrong in our food supply in this country and children's lives are threatened, their health is threatened, as are families of general recalls. The schools must be notified on a timely basis.

We cannot give up the opportunity that's in this bill to provide for healthier meals to combat this incredible increase in our Nation of obesity and diabetes and children presenting with adult diseases and illnesses because of diet. This is one of the first lines of defense against obesity and diabetes as designed by the American Pediatrics Association, the Nutrition Association, people who are concerned with and understand and deal with, on an everyday basis, the health of America's children. We are trying to incorporate that in this legislation. So that's what's at risk here.

So we are trying to do it the best way for the Members of the House, where we don't have to put at risk the child nutrition bill, but we can clearly state that this is a priority of the House to protect our children in these settings by having background checks for the providers of those.

I would suggest that it may be better done in the next session, when we can look at what is the cost of that on small providers, on family day care providers. There is some story out today suggesting it may be hundreds of dollars per provider or hundreds of dollars per employee. So we can look at that. But the fact of the matter is the letter sent by Senator MCCONNELL to Senator REID basically says no other issues will come up before the tax cuts are dealt with.

Now, the tax cuts, what he is saying is, until they get the tax cuts for the wealthiest people in this country, the poor children in this country who need child nutrition, who need school lunches, who need school breakfasts will have to wait. This House has an alternative. We can vote to pass the child nutrition bill and we can send it to the President of the United States today, and then they will be assured that those school lunches that are healthier, that are safer will be there. And finally, let me say, they will also be assured, as will their parents and the taxpayers of this Nation, that the moneys that we appropriate for eligible children will be used on eligible children, that we are not going to cross-subsidize other activities in the school with Federal moneys designed for the lunches and the breakfasts and the snacks of poor children in this country.

And I know that the other side apparently doesn't like this provision of 205, but this is about accountability. We don't allow people in the food stamp program to go out and subsidize other people in the supermarket who think they don't want to pay whatever the price is for what they are buying in the supermarket. We don't say, Oh, here. Take a couple food stamps and do that.

We are not going to use Federal taxpayer dollars and child nutrition dollars to cross-subsidize other activities in schools and then risk the ability to pay for the lunches of the poorest children in this Nation.

So today you can vote for this suspension bill on background checks; you can vote against the motion to recommit, save the child nutrition bill, and send it to the President of the United States and make it the law of the land. And I hope my colleagues will do that and will do it with great pride that we are making dramatic improvements in the child nutrition programs of this Nation to be more efficient, more transparent, to be healthier, and to be safer for this Nation's poor children.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6469.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1310

## MIDDLE CLASS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1745, I call up the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with a Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

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

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause, and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2010, Part III".

### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2010" and inserting "January 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2010, Part III" before the semicolon at the end of subparagraph (A).

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2010" and inserting "January 1, 2011".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ";; and"; and

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

"(8) \$925,000,000 for the 3-month period beginning on October 1, 2010."

(2) **OBLIGATION OF AMOUNTS.**—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended by striking "September 30, 2010," and inserting "December 31, 2010,".

(c) **APPORTIONMENT AMOUNTS.**—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "October 1, 2010." and inserting "January 1, 2011.".

(b) Section 41743(e)(2) of such title is amended by striking "2010" and inserting "2011".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2010," and inserting "December 31, 2010,"; and

(2) by striking "December 31, 2010," and inserting "March 31, 2011,".

(d) Section 44303(b) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2010." and inserting "January 1, 2011.".

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "2010,".

(g) Section 47141(f) of such title is amended by striking "September 30, 2010." and inserting "December 31, 2010.".

(h) Section 49108 of such title is amended by striking "September 30, 2010" and inserting "December 31, 2010,".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting "or in the portion of fiscal year 2011 ending before January 1, 2011," after "fiscal year 2009 or 2010".

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "October 1, 2010,".

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2010." and inserting "September 30, 2011.".

(l) The amendments made by this section shall take effect on October 1, 2010.

### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ";; and"; and

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

"(G) \$2,451,375,000 for the 3-month period beginning on October 1, 2010.".

### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ";; and"; and

(3) by adding at the end the following:

"(7) \$746,250,000 for the 3-month period beginning on October 1, 2010.".

### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ";; and"; and

(3) by adding at the end the following:

"(15) \$49,593,750 for the 3-month period beginning on October 1, 2010.".

### SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting "of title 49, United States Code," before "is amended".

(2) In section 202(b) (124 Stat. 2351) by inserting "of such title" before "is amended".

(3) In section 203(c)(1) (124 Stat. 2356) by inserting "of such title" before "(as redesignated)".

(4) In section 203(c)(2) (124 Stat. 2357) by inserting "of such title" before "(as redesignated)".

### MOTION TO CONCUR

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

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4853 with an amendment.

The text of the amendment is as follows:

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

### SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "Middle Class Tax Relief Act of 2010".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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