

for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13873 of May 15, 2019, with respect to securing the information and communications technology and services supply chain, is to continue in effect beyond May 15, 2024.

The unrestricted acquisition or use in the United States of information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries augments the ability of these foreign adversaries to create and exploit vulnerabilities in information and communications technology or services, with potentially catastrophic effects. This threat continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13873 with respect to securing the information and communications technology and services supply chain.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, May 8, 2024.

□ 1400

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE CENTRAL AFRICAN REPUBLIC—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 118-140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the Central African Republic declared in Executive Order 13667 of May 12, 2014, is to continue in effect beyond May 12, 2024.

The situation in and in relation to the Central African Republic has been

marked by a breakdown of law and order; intersectorian tension; the pervasive, often forced recruitment and use of child soldiers; and widespread violence and atrocities, including those committed by Kremlin-linked and Yevgeniy Prigozhin-affiliated entities such as the Wagner Group. These dynamics threaten the peace, security, or stability of the Central African Republic and neighboring states, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13667 with respect to the Central African Republic.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, May 8, 2024.

RECESS

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

Accordingly (at 2 p.m.), the House stood in recess.

□ 1515

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WEBER of Texas) at 3 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

AIRPORT AND AIRWAY EXTENSION ACT OF 2024, PART II

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8289) to extend authorizations for the airport improvement program, to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8289

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 "Airport and Airway Extension Act of 2024, Part II".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FEDERAL AVIATION PROGRAMS

- Sec. 101. Extension of airport improvement program; discretionary fund.
- Sec. 102. Extension of expiring authorities; miscellaneous authorizations.

TITLE II—AIRPORT REVENUE PROVISIONS

- Sec. 201. Expenditure authority from Airport and Airway Trust Fund.
- Sec. 202. Extension of taxes funding Airport and Airway Trust Fund.

TITLE I—FEDERAL AVIATION PROGRAMS

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM; DISCRETIONARY FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(a)(7) of title 49, United States Code, shall be applied by substituting "\$2,105,191,256 for the period beginning October 1, 2023, and ending on May 17, 2024." for "\$2,041,120,218 for the period beginning October 1, 2023, and ending on May 10, 2024."

(b) OBLIGATION AUTHORITY.—Subject to limitations specified in advance in appropriations Acts, sums made available pursuant to subsection (a) may be obligated at any time through September 30, 2024, and shall remain available until expended.

(c) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, shall be applied by substituting "May 17, 2024" for "May 10, 2024".

(d) SPECIAL RULE FOR APPORTIONMENTS.—Section 47114(c)(1)(J) of title 49, United States Code, shall be applied by substituting "May 17, 2024" for "May 10, 2024".

(e) SUPPLEMENTAL DISCRETIONARY FUNDS.—Section 47115(j)(4)(A) of title 49, United States Code, shall be applied by substituting "\$334,563,279 for the period beginning on October 1, 2023, and ending on May 17, 2024." for "\$340,321,762 for the period beginning on October 1, 2023, and ending on May 10, 2024."

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES; MISCELLANEOUS AUTHORIZATIONS.

(a) The following provisions of law shall be applied by substituting "May 17, 2024" for "May 10, 2024":

- (1) Section 44310(b) of title 49, United States Code.
- (2) Section 44803(h) of title 49, United States Code.
- (3) Section 44807(d) of title 49, United States Code.
- (4) Section 44810(h) of title 49, United States Code.
- (5) Section 47115(i) of title 49, United States Code.
- (6) Section 47141(f) of title 49, United States Code.
- (7) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176).
- (8) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note).
- (9) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 note).
- (10) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note).
- (11) Section 161(a)(10) of the FAA Reauthorization Act of 2018 (49 U.S.C. 47104 note).
- (12) Section 162 of the FAA Reauthorization Act of 2018 (49 U.S.C. 47102 note).
- (13) Section 372(d) of the FAA Reauthorization Act of 2018 (49 U.S.C. 44810 note).
- (14) Section 424(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note).
- (15) Section 439(g) of the FAA Reauthorization Act of 2018 (49 U.S.C. 41705 note).
- (16) Section 547(e) of the FAA Reauthorization Act of 2018 (49 U.S.C. 40103 note).

(b) The following provisions of law shall be applied by substituting “May 18, 2024” for “May 11, 2024”:

(1) Section 47107(r)(3) of title 49, United States Code.

(2) Section 47143(c) of title 49, United States Code.

(3) Section 50905(c)(9) of title 51, United States Code.

(4) Section 210G(i) of the Homeland Security Act of 2002 (6 U.S.C. 124n(i)).

(5) Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114-190; 130 Stat. 641).

(c) Section 48105 of title 49, United States Code, shall be applied by substituting “\$24,508,197 for the period beginning on October 1, 2023, and ending on May 17, 2024,” for “\$23,762,295 for the period beginning on October 1, 2023, and ending on May 10, 2024.”

TITLE II—AIRPORT REVENUE PROVISIONS

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) Sections 9502(d)(1) and 9502(e)(2) of the Internal Revenue Code of 1986 shall be applied by substituting “May 18, 2024” for “May 11, 2024”.

(b) Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 is amended by striking the semicolon at the end and inserting “or the Airport and Airway Extension Act of 2024, Part II:”.

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) Sections 4043(d), 4081(d)(2)(B), 4261(j), 4261(k)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall be applied by substituting “May 17, 2024” for “May 10, 2024”.

(b) Section 4083(b) of such Code shall be applied by substituting “May 18, 2024” for “May 11, 2024”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 8289.

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

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8289 extends the statutory authorities of the Federal Aviation Administration, FAA, through May 17, 2024. While this extension provides for key extensions of FAA authorities, such as the continued collection of aviation excise taxes that the safe operation of the national airspace is very dependent on, it is largely needed to accommodate the Senate's inability to successfully pass the conferenced FAA bill in time for the House to take a final vote before Friday.

The House did its part to provide for a long-term reauthorization of the FAA on time and well ahead of schedule when we passed H.R. 3935 last summer in an overwhelming bipartisan

fashion with more than 350 votes. It is unfortunate that the Senate's process for considering its FAA bill continues to be plagued by delays necessitating this extension.

I know my colleagues in the House are ready to send the compromise bill to the President once and for all. The good news is that we are so close to doing that.

Setting aside the Senate's ability to act in a timely manner, the stark reality is that the FAA is set to expire on May 10, and we must act to pass another extension to maintain safety in the National Airspace System.

The Senate and House have worked tirelessly since the Senate Commerce Committee marked up its FAA bill in February. We have worked tirelessly to reconcile differences and produce a comprehensive FAA bill that provides certainty to the agency and the entire aviation community for the next 5 years.

The negotiated bill provides the long-term certainty to ensure the safety and prosperity of the American aviation industry for decades to come. Extensions don't provide any certainty, nor do they provide for the robust investments airports across the country need to ensure the continued transportation of goods and services to our communities.

For those reasons, both Chambers remain committed to passing a long-term bill.

In the meantime, this extension buys the Senate a little bit more time to do their job while keeping the national airspace safe and ensuring that airlines don't get a \$50 million-a-day tax break.

Mr. Speaker, I encourage all Members to support this extension so that we can consider the conferenced bill next week.

Mr. Speaker, I urge support of this legislation, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8289, which extends the authorization to FAA and its related authorities for 1 week to give the Senate the time it needs to wrap up its consideration of this bicameral and bipartisan comprehensive FAA reauthorization bill.

This legislation reflects an agreement between the House and Senate. It will protect the safety of the flying public and ensure the future of the U.S. aviation industry.

Think back to last July, Mr. Speaker, when the House passed its version of this bill 351-69, a strong bipartisan bill.

Since then, I am actually pleased with the progress that we have made and that we were able to come to an agreement with our Senate counterparts last Sunday. We have been in close contact with the Senate as they have continued to consider this legislation.

This is, and will be next week, a bipartisan, bicameral product, and Mem-

bers should not be surprised about what is included in it.

Unfortunately, the Senate is still working through its process and may not be able to send us the bill before the current authorization expires on Friday.

Nonetheless, I want to assure Members that Chairman GRAVES and I have fought hard for House Member priorities. I am very pleased to report that the vast majority of those priorities remain intact in the final package. Members' voices were heard as we worked hard to address the longstanding issues in our aviation system.

The Senate just needs a little bit more time. I fully expect the Senate to complete consideration and send the FAA Reauthorization Act of 2024 to the House well before May 17, the time at which this extension expires.

Mr. Speaker, I support the short-term extension, and I urge my colleagues to do the same. I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, new and persistent challenges facing the U.S. aviation system have made clear the status quo is unsustainable. We have to avoid a lapse in authorities of FAA. This current extension does that for 1 week and gives the Senate the short time it needs to deliberate and vote on the final bill.

Mr. Speaker, I support this extension, and I urge my colleagues to do the same. I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, again, I urge all Members to support this must-pass bill so we can keep our aviation system operating safely and focus on passing a long-term FAA bill next week.

H.R. 8289 provides for a clean extension of FAA authorities. It does not include policy riders.

Failure to extend FAA's authorities will cost the Federal Government more than \$50 million a day in lost revenues. Enacting a long-term comprehensive FAA bill is the goal of both the House and Senate, and I look forward to presenting that critical piece of legislation to you next week.

Mr. Speaker, I urge support of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, H.R. 8289.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

EQUAL REPRESENTATION ACT

Mr. BIGGS. Mr. Speaker, pursuant to House Resolution 1194, I call up the bill (H.R. 7109) to require a citizenship question on the decennial census, to require reporting on certain census statistics, and to modify apportionment of Representatives to be based on United States citizens instead of all persons, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1194, the amendment in the nature of a substitute recommended by the Committee on Oversight and Accountability, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 7109

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 “Equal Representation Act”.

SEC. 2. CITIZENSHIP STATUS ON DECENNIAL CENSUS.

Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g)(1) In conducting the 2030 decennial census and each decennial census thereafter, the Secretary shall include in any questionnaire distributed or otherwise used for the purpose of determining the total population by States a checkbox or other similar option for the respondent to indicate, for the respondent and for each of the members of the household of the respondent, whether that individual is a citizen of the United States.

“(2) Not later than 120 days after completion of a decennial census of the population under subsection (a), the Secretary shall make publicly available the number of individuals per State, disaggregated by citizens of the United States and noncitizens, as tabulated in accordance with this section.”.

SEC. 3. EXCLUSION OF NONCITIZENS FROM NUMBER OF PERSONS USED TO DETERMINE APPORTIONMENT OF REPRESENTATIVES AND NUMBER OF ELECTORAL VOTES.

(a) EXCLUSION.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by inserting after “not taxed” the following: “and individuals who are not citizens of the United States”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the apportionment of Representatives carried out pursuant to the decennial census conducted during 2030 and any succeeding decennial census.

SEC. 4. SEVERABILITY CLAUSE.

If any provision of this Act or amendment made by this Act, or the application thereof to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1

hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Accountability or their respective designees.

The gentleman from Arizona (Mr. BIGGS) and the gentleman from Maryland (Mr. RASKIN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. BIGGS).

GENERAL LEAVE

Mr. BIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 7109 has three components.

Number one, it requires the Census Bureau to include a citizenship question on the decennial census questionnaire.

Number two, the bill directs that this information be used to ensure fair representation by requiring only citizens be included in the apportionment base.

Number three, it has a severability clause.

Currently, the Census Bureau estimates the noncitizen population using data collected annually in the American Community Survey. We are going to call that ACS as I go, just to help you out. That data is not necessarily accurate.

Further, there are no reports that asking a citizenship question on the ACS every year suppresses illegal, alien, or other noncitizen participation on the ACS questionnaire.

The constitutionally iterated rationale for a decennial census is to apportion electoral districts for Congress.

In *Commerce v. New York*, the Supreme Court noted that a host of various questions over the years that are tangential to apportionment had been included in the decennial censuses, “race, sex, age, health, education, occupation, housing, and military service,” and “radio ownership, age at first marriage, and native tongue,” et cetera.

The citizenship question is no stranger to the Census questionnaire. Commerce also noted: “Every Census between 1820 and 2000 (with the exception of 1840) asked at least some of the population about their citizenship or place of birth. Between 1820 and 1950, the question was asked of all households. Between 1960 and 2000, it was asked of about one-fourth to one-sixth of the population.” That is another quote from the Commerce case.

This isn’t a uniquely American practice. Even the United Nations recommends collecting citizenship information via a census, as noted by, again, the Commerce Court. Australia,

Canada, France, Indonesia, Ireland, Germany, Mexico, Spain, and the United Kingdom ask about citizenship in their respective censuses.

Is the United States to be the only North American country not to inquire about citizenship in its Census protocols?

The Commerce Court held, regarding the positing of a citizenship question on the Census, as follows: “In light of the early understanding of and long practice under the Enumeration Clause, we conclude that it permits Congress, and by extension the Secretary [of Commerce], to inquire about citizenship on the Census questionnaire.”

Section 2 of H.R. 7109 simply asks whether a person is a citizen of the United States, yes or no. That is it, but everyone gets counted.

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

□ 1530

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

The last President tried to include a citizenship question on the decennial Census in 2020 and tried to count only U.S. citizens for the purpose of Census and reapportionment, and the effort failed miserably in court, for obvious reasons.

Section 2 of the 14th Amendment states that apportionment of seats in the House of Representatives is based on “the whole number of persons in each State,” persons being the all-encompassing category, much larger than that of citizens.

When the Framers wanted to impose a citizenship requirement in the text of the Constitution, they knew how to do it. Take the President of the United States, for example. It says that you have got to be a born U.S. citizen in order to run for President. Some of the historians tell us that was because Thomas Jefferson was trying to block Alexander Hamilton from running for President. He was foreign born. In any event, however, it was very clear that you needed to be a born U.S. citizen to run for President. For those of us in the House, it says we must have been a citizen for at least 7 years.

There are lots of citizenship requirements in the Constitution. There is no citizenship requirement for being counted in the Census and for purposes of reapportionment. On the contrary, the Census and reapportionment have included all persons, including noncitizens, like permanent resident green card holders, since 1790. That has been the unbroken practice since the beginning of the Republic.

This point was made even more clearly and emphatically by the Supreme Court in its unanimous 2016 decision in *Evenwel v. Abbott*, rejecting precisely the argument my distinguished friend is trying to make. Like this legislation itself, *Evenwel* involved a challenge to congressional apportionment based on a total count of the entire population