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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, March 7, 2012.
I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

PAIN AT THE PUMP

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

Mr. WALBERG. Mr. Speaker, we've all had to dig a little deeper in our pocketbooks when visiting the gas station lately. Gas has now reached $4 a gallon in my district. Combined with the stubbornly high unemployment rate in Michigan, I know my constituents are hurting. However, the pain at the pump has sparked more conversations than ever about domestic energy development. Even the harshest of critics are starting to realize that American oil, American gas, and American coal are viable solutions to our energy crisis, with countless numbers of benefits.

The time is ripe for our country to embark on a new chapter in energy production, American energy, an overhaul of this, if you will. Right now we're faced with an abundance of expansion possibilities all there for the taking. New developments in science and technology make this possible. You've probably heard of at least a few terms like "fracking," "3D mapping," and "horizontal drilling." These new practices allow producers to easily extract natural gas, coal, and oil from the ground, all while doing it cheaper, safer, and with less disruption to the landscape above. So why has this administration, contrary to their rhetoric, chosen to obstruct progress, energy independence, and security for our Nation?

House Republicans remain committed to addressing this abundance of energy production and development. That's why we're trying to open up new areas for exploration and development. American energy production is good for the economy because it creates American jobs; it's good for the deficit because of new American royalties; and it's good for our manufacturing because it brings American energy costs down.

If President Obama had chosen to acknowledge this reality 3 years ago, we'd already be seeing more American jobs and cheaper energy. Instead, he has chosen to do little, sometimes even standing in the way of potential growth by letting Big Government be the arbiter of job creation. For proof, just look at the Solyndra fiasco, the rejected Keystone pipeline project, or mounting job-killing EPA regulations.

The private sector, not government, is and will always remain the real job creator for our country. If producers are given more liberty to pursue these techniques, it could put America in a position to become one of the largest energy producers in the world. And why not? We're America. And that would mean more money, more jobs, greater security, and you can bet, lower energy prices.

NATIONAL SCHOOL LUNCH WEEK

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

Mr. BLUMENAUER. Mr. Speaker, everywhere you go in America, education is a hot-button issue. Everyone has opinions about what should be emphasized, changed, adjusted, where we should spend more, where we should spend it differently. This is a reflection that Americans know what goes on in our schools is very important. That's where we're building America's future for our communities, our economy, for our families.

This deep commitment to our children should extend to one area in schools where we should be building a future that is focusing on the health of these children: physical fitness, their health habits, and importantly, their diet.

When it comes to the health of our children, our legacy is unfortunate. Too many come from families that are food insecure. One-half of American children will, at some point in their life, be on food stamps. Sixty-three percent of American teachers report that each month they buy food for children in their classroom. Over 20 percent of American households are just plain hungry.

Sadly, in my State, those percentages are even worse. Many children who aren't hungry per se, are hungry for the right foods. They consume far too many empty calories. Pizza, soda, and baked goods are the top three sources of calories for our children.
Since 1980, childhood obesity has doubled, so that today one in three children is overweight or obese.

One of the most direct ways to attack the problem is in our schools, where over 31 million children receive over five billion meals every year for free and reduced lunches. Actually, they are not just fed lunches anymore. They are increasingly getting school breakfasts and now school dinners. For far too many low-income children, this is frankly the only place that they’re going to eat and they need.

We have to attack this problem because food in school is too often high in starch and does not feature fresh fruits and vegetables. Indeed, 40 percent of American children do not get fresh fruits and vegetables every day in school.

Congress held up funding for the new nutritional guidelines. It’s time for us to get our act together here in Congress. I would suggest that we might honor this National School Lunch Week and build upon the Hunger-Free Kids Act that we had last Congress. Don’t we think we can do more than adding 6 cents per meal to the reimbursement rate? Can’t we allocate more than $40 million for mandatory farm-to-school funding to help promote the use of local fresh fruits and vegetables? Isn’t it time to establish stronger national nutritional standards for all foods provided throughout the school day? Maybe even the House would re-consider and pass my amendment to declare that pizza is no longer a vegetable for school-lunch purposes.

We know what to do. I see it in my community in Abernathy School, as well as more than 40 other schools that are providing education and nutrition and gardening, as well as the math, reading, and science skills, that help kids grow, prepare, and learn to appreciate healthy food. This is healthy not just for the kids, but for the local economy; not only strengthening local farms and ranches. It creates more than ½ other jobs off the farm. There are now over 9,000 school programs nationally that are dealing with providing this vital connection between food, nutrition, and how kids learn.

I think that it is time for us in Congress to stop being AWOL, to step forward, be more deeply involved, resist the special interests, and make kids’ nutrition a priority.

I think our generation ought to be thinking about what we’re feeding kids now, when you think about what kids might be feeding us later.

☐ 1010

HONORING OUR TROOPS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, about 3 years ago I initiated a House resolution, and I was joined by many of my colleagues on the Democratic side as well as my friends on the Republican side. The resolution called on the Speaker of the House one time a month, at that time, Ms. PELOSI, that she would stand at the Speaker’s stand and ask the Members of Congress to remember families in Afghanistan and Iraq. I want to give her credit and thanks that she did it for the whole time that she was Speaker of the House.

After my party, the Republican Party became the majority, I wrote Speaker BOEHNER and asked him if he would continue that moment of remembrance of all of our troops in Afghanistan and Iraq, their families, and those who gave their life and those who were wounded.

I regret that I must say the last time we did this was December 16 of 2011. I intend to prepare a letter to Mr. BOEHNER and ask him, not one time do I remember, maybe one time that he would do it in his place. I said that the words of I thank you, those who have served and those who have given so much.

I don’t know if it is just because the war is not on the front page, but last week two Army captains from Fort Bragg, North Carolina, who were trying to train the Afghans, were shot point-blank in their forehead and killed. We have lost 40 Americans who have been in Afghanistan trying to train Afghans. 60 have been killed.

And when you factor in the coalition troops trying to train the Afghans, 70 have been killed, including the 40 Americans.

We need to continue this process of remembering those who have given so much to our country because too many times we get so wrapped up with major issues like the debt, the deficit and jobs, and so many important things, but there is nothing more important than those young men and women over there in Afghanistan who are giving their limbs and their life.

I went to Walter Reed about 3 weeks ago and saw three Marines from my district, Camp Lejune Marine Base. All three have lost both legs.

So I hope when we get back from the next break next week, again I intend to hand deliver a letter to the Speaker of the House, as I did a year ago, and I want to stand at the Speaker’s chair and read the words thanking our men and women in uniform for their service to our Nation and remembering the families who have given a child dying for freedom. I intend to follow through on this, and I hope friends on both sides of the aisle will join me in asking the Speaker to continue this recognition of those who have given so much.

With that, I will ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform; God, in His loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq, I ask God to bless the House and Senate that we will do what is right in the eyes of God for His people here in the United States of America. I will ask God to please bless the President of the United States that he too do what is right in the eyes of God for God’s people here in the United States. And three times I will ask, God, please, God, please, God, please continue to bless America.

SUDAN PEACE, SECURITY AND ACCOUNTABILITY ACT

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

Mr. MCGOVERN. Mr. Speaker, just yesterday the former top U.N. humanitarian official in Sudan, Mukesh Kapila, issued a warning to the world. He said that the Government of Sudan is deliberately targeting civilians with air attacks and shooting defenseless civilians; mothers and children fleeing for their lives with their children; and small children threatened with death.

Sudanese government forces continue their campaign of genocide and crimes against humanity in the country’s southern Nuba Mountains in the Sudd state of South Kordofan. He said that these acts remind him of Darfur.

Kapila said he saw military planes striking villagers, the destruction of their homes, and families watching as their parents and children were shot.

We need to let our government and the world know that we demand protection for these people.

The people of South Kordofan and Blue Nile, two states inside Sudan along its southern border, are facing a hunger crisis. They haven’t been able to plant because the government of President Bashir is bombing them in their fields. Sudan has refused to let humanitarian aid into the region. The United States, the United Nations, and other governments have condemned these attacks against civilians.

My good friend and colleague, Congressman FRANK WOLF, traveled to this border region at the end of February. He interviewed refugees, recorded their stories of terror: bombing from the sky and soldiers burning villages and shooting defenseless civilians; mothers fleeing for their lives with their children.

We urge my colleagues to go to the Web site of the Tom Lantos Human Rights Commission and watch the video he has posted there. That’s at www.thrc.house.gov.

We stand together, Mr. Speaker. We need to let our government and the world know that people care and that we demand protection for these people from Khartoum’s murderous policies.

This is why I and my colleagues, Congressmen FRANK WOLF and MIKE CAPUANO, are introducing today the Sudan Peace, Security and Accountability Act. This bill calls for a comprehensive approach towards Sudan to address and
end the massive human rights violations that are taking place across that country. No longer should we allow President Bashir to blackmail the international community by threatening humanitarian workers in Darfur if the world tries to reach the desperate people living in the Nuba Mountains with food and relief supplies.

We need a comprehensive strategy and comprehensive sanctions against Khartoum if the violations continue. We need to let other countries know that we are committed and prepared to provide comfort to President Bashir and members of his government who have been indicted for crimes against humanity, including genocide, that they, too, will face sanctions.

We need to provide the Obama administration with all the tools and all the authority it needs to seek a comprehensive peace in Sudan, end human rights violations, and bring those guilty of crimes against humanity to justice.

For decades the powers that be in Khartoum have toyed with the international community, while its own people paid the price over and over again. It has to stop, Mr. Speaker. It simply has to stop.

Let me end, Mr. Speaker, with a few other remarks.

No one can come to the House floor today and speak about Sudan and protecting the people of Sudan from their murderous government without paying tribute to our dear colleague, Donald Payne.

Congressman Payne passed away yesterday from cancer. He would have been an original cosponsor of the bill to provide comfort to President Bashir and members of his government who have been indicted for crimes against humanity, including genocide, that they, too, will face sanctions.

We all looked to him for leadership, for advice, and for help. He extended this same commitment to the people of African descent in our own hemisphere. I personally know how much he did to promote the rights of Afro-Colombians and to protect their leaders and communities. We will miss him and we will miss his leadership.

Mr. Speaker, he believed that human rights ought to matter. And he believed, as we all should believe, that if the United States of America stands for anything, it ought to stand out loud and foursquare for human rights.

**PROTECT TRICARE**

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

Mr. GUTIERREZ. Here’s how sorry Rush Limbaugh is for his attacks on a law school student who dared to give her opinion about access to contraception coverage. He’s so sorry that a full transcript of his tirade, including the words he “apologized” for, was available yesterday under the heading “Most Popular” on the home page of his Web site.

He’s so sorry that the verbatim document of his March 1 rant, in which he repeated his name-calling of Sandra Fluke and mocked Democrats for criticizing him, is right on his Web site today under the title “Left freaks out over Fluke remarks.” Also on Limbaugh’s “Most Popular” list today is “Democrats Are Desperate: Obama Calls Sandra Fluke, the 30-Year-Old Victim.” I don’t mean was on his Web site, before he decided to apologize; I mean it’s there today. Just click on the link.

And this Monday, Limbaugh talked at length about the discoveries his staff had made about Ms. Fluke. Apparently, in Rush Limbaugh’s world, part of apologizing is researching and critiquing the person you’re apologizing to. I want to give you a sample of Limbaugh and his crack research team’s eye-opening discoveries:

Here’s Limbaugh, verbatim, on March 5:

This woman, well, we’ve looked her up. I mean she’s a full-fledged activist for women’s causes. And she has been to Berkeley, she’s traveled all over the place. Cornell, she graduated from the women’s studies courses there. She’s a full-fledged feminist activist.

America, I join you in being shocked at the discovery of these facts. Sandra Fluke has traveled all over the place. She’s even taken women’s studies courses at Cornell. Women’s studies? No wonder she gives her opinion in public and thinks that women should have some say over their health and reproductive choices. I mean, what would you expect from somebody who went to Cornell?

There’s more. You see, I did my own research. Limbaugh. It shows that Toni Morrison, Ruth Bader Ginsburg and Mae Jemison all went to Cornell, too. And what do these three troublemakers have in common? It’s obvious. They’re women, women who somewhere in their lives, most likely at the same place that brainwashed Sandra Fluke, got the idea that they could accomplish anything they wanted to and speak about it in public and have their opinions respected.

Morrison—Nobel Prize. Ginsburg—the Supreme Court of the United States of America. Mae Jemison even got that great crazy idea she could be the first black woman in space. Shocking.

Mr. Speaker, here are the facts. A glance at Rush Limbaugh’s Web site makes it obvious that he continues to spew nonsense and that he’s not the least bit sorry for what he said. It makes plain that he deeply resents women who speak their mind. Those who are “full-fledged feminist activists” who deserve only his scorn.

There are, however, some things to visit Mr. Limbaugh’s Web site for. If you want a bumper sticker calling Obama, the President of the United States, a socialist, or a T-shirt promoting Rush Limbaugh for the Nobel Peace Prize, then his Web site is the place for you. But if you want a sincere apology from a man who is sorry that he called a decent young woman a “llady” you’re looking in the wrong place.

Now, the truth is that what a radio talk show host thinks about Sandra Fluke really doesn’t matter, except for one important point: the Republican Party respects and fears Rush Limbaugh. The three leading Republican contenders for President of the United States won’t take him on. Three men who are so tough that they compete daily with each other to say the most disparaging things about President Barack Obama promise to keep us safe from terrorists, these tough talkers who promise to keep us safe from terrorists, these tough guys are struck speechless and cowardly by a
man sitting behind a microphone in his mansion out in Palm Beach, Florida.

When a talk show host calls a decent American woman a slut and a prostit-
tute, that’s sad and wrong. But when Mitt Romney, the Republican Party’s fron-
trumpet, is asked about it and all he can say is “it’s not the language I would have used,” then it’s a leadership crisis. I guess Mitt Romney would have said she was a “lady of the night.” What he should have said was, “Rush Limbaugh, you’re dead wrong. Stop it.”

It’s time for all Americans to say enough is enough. And it’s time for anyone who wants to be a leader—even Republicans who are terrified of Rush Limbaugh—to stand up to treating every woman with decency and respect.

COMMENORATING MR. LOUIS MICHOT, JR.

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

Mr. LANDRY. Mr. Speaker, it is with great sadness that I rise today as Low-
siana mourns the loss of another member of the Greatest Generation. Yesterday evening, Mr. Louis Michot, Jr., passed away, and he passed away at the ripe old age of 89. As I visited with his son this morning on the telephone, he had a nice remark of saying, you know, my dad would constantly say that if he knew he was going to live that long, he would have taken better care of himself. Imagine that.

Mr. Michot was born in 1922 in south central Louisiana. At the age of 24, he bravely served our country during World War II in the Marine Corps. After serving his country, he came back and began living the American Dream. He became an entrepreneur. He started his own businesses. In 1958, he bought a restaurant franchise which he expanded all across south Louisiana. He ventured into other businesses, from cattle ranching to real estate to oil and gas.

Later, in 1960, Mr. Michot sought to serve his community and his State. He was elected to the State House of Representa-
tives, where he served for 4 years before making a run for Gov-
ernor. He reentered the political arena in 1968, when he won a seat on the Louis-
iana State Board of Education, and went on to serve the State as the State su-
perintendent from 1972 to 1976. Out of the political sphere. Mr. Michot was an admirable community leader, a faithful husband, a loyal friend, and a proud father of 10 beau-
tiful children. He passed on his belief of civic responsibility and serving his community to his children; three of them served in public office, one con-
tinuing to serve as a district judge, an-
other as a State senator, and another on the parish council. He was a long-
time member of the Lafayette Cham-
ber and he received his esteemed Lafayette Civic Cup for his many community service efforts in 1994.

As Mr. Michot is laid to rest, it is my hope that we reflect upon his life and learn from the shining examples of selfless service and civic duty that he set forth. Though I’m sure he will be missed by many, I’m confident that his legacy of hard work and determination will live on for many generations through his children and their children.

RECOGNIZING THE COURAGE OF CONGRESSMAN JOHN LEWIS

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

Mr. BARROW. Mr. Speaker, I rise today on the 47th anniversary of Bloody Sunday to recognize the courage of our colleague, Congressman JOHN LEWIS, and the many forgotten heroes of the civil rights movement.

Nearly 50 years ago in Selma, Ala-
bama, some 600 demonstrators marched for equal voting rights for African Americans. Lewis was one of the first to arrive, and at the Edmund Pettus Bridge, where state and local lawmen attacked them with clubs and tear gas and drove them back into Selma. Journalists captured the brutality of these attacks, sparking the public outrage that eventually led to the passage of the Voting Rights Act of 1965.

This Sunday, Congressman LEWIS re-
turned to that very bridge that changed history. Again, he was met by a large group of police—but this time they served as his congressional escort. Mr. Speaker, we’ve come a long way in the last 50 years, but we still have a long way to go in order to ensure equality and justice for all, and I ask that my colleagues join with me in that work.

JOBS ACT

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

Mr. CANSECO. Mr. Speaker, when it comes to our economy, one thing is abundantly clear: President Obama’s policies have failed.

We are experiencing the worst stretch of unemployment since the Great Depression, despite a trillion-
dollar stimulus plan that the Obama administration said would hold unem-
ployment below 8 percent and despite record low interest rates.

The unemployment rate has re-
mained above 8 percent for 36 straight months, and the Congressional Budget Office estimates that the jobless rate will remain above 8 percent through 2014. Almost 13 million Americans are out of work, and the share of unem-
ployed people looking for work for more than 6 months, or the long-term unem-
ployed, has risen to a 40-year high. In December 2009 for the first time since 1948 and has remained above that level ever since.

Because his policies have failed, President Obama has turned to the pol-
tics of envy and division. The only so-
lutions he can come up with involve more spending, more taxes, and more government. These are the policies that failed in the first place.

House Republicans have a plan for America’s job creators. It’s time for the President and Democrats in the Senate to stop blocking our jobs bills.

This week, the House will consider the JOBS Act, a legislative package de-
signed to jump-start our economy and restore opportunities for America’s pri-
mary job creators. These are our small businesses, the start-ups, and the entre-
preneurs.

In his State of the Union Address, President Obama asked Congress to send him a bill that helps small busi-
nesses and entrepreneurs succeed, and the JOBS Act does exactly that.
So, number one, when studies have shown that guardsmen and reservists cost far less than Active Duty members and you're trying to meet budget constraints, don't demobilize the efficient and effective.

Number two, as our force shrinks as a whole, the Air Guard is key to the military term called "reversibility," that is, they can serve as a critical operational and strategic reserve should a larger force be needed in the future to meet unforeseen circumstances. That is an essential requirement of military readiness.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. HUIZENGA) for 5 minutes. Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate the opportunity to address the House and to address the Nation today.

As a small business owner, I know the importance of fostering and creating an environment that promotes job creation, economic security and opportunity, and allows especially small businesses to grow.

I also know that Americans and Michiganders and those in the Second District in my home State of Michigan and across the country are looking for real solutions that will grow jobs now. That's why I support the JOBS Act. It will jump-start our economy and restore opportunities for America's primary job creators: our small businesses, start-ups, and entrepreneurs.

Now, I've been around long enough in my first year here, Mr. Speaker, to endure a lot of things. Sometimes, we have to repackage ideas and put a different colored bow on it for people to accept it because what we're going to be passing has been passed. I sit on the Financial Services Committee. We've passed a number of these bills—and all of them. That's part of the America's Job Creators Plan that the House Republicans have put forward. But what we're doing today is we are going to be putting this JOBS Act; it's compromised of six bills that have been approved by the committee. Very quickly, those six bills are:

One, Reopening the American Capital Markets to Emerging Growth Companies Act. What that's going to do is it's going to allow temporary relief from some of the onerous SEC, or Securities and Exchange Commission, regulations that are on those small businesses.

Number two, the Access to Capital for Job Creators Act is going to allow small businesses to access, again, removing some of those regulatory bars that are in there and that say that a small business can't use advertisments to go try to get and attract investors. Well, in an age of Internet and those kinds of things, that has a huge impact. It also brings along a concept that's been out there called crowdfunding.

That's the third bill, Entrepreneur Access to Credit Act. It is also going to ease the requirements that allow things like crowdfunding, people being able to go and spread this out on Facebook and Twitter and Internet and to their friends, to pull in those small-dollar investors that are going to be able to give them the capital that they need to launch that innovative idea.

Well, the Small Company Capital Formation Act. It allows small businesses to go public by elevating the threshold that companies are exempt from $5 million to $50 million. That is going to be able to really, truly impact those small entrepreneurs and small business owners who are looking to take their business to the next step.

The fifth one is the Private Company Flexibility and Growth Act. That's expected to give small companies more room to grow before having to go public.

Currently, there's a regulation that says you can have no more than 500 investors in your small company. This doubles that. This says you can have up to 1,000. We believe that that is going to be able to allow those small businesses who are in transition, who are in that acquisition mode, who are in that growth mode, to be able to go up there and be successful.

Finally, number six, the Capital Expansion Act would increase the number of shareholders that can invest in a community bank from 500 to 2,000. Why would we include this part? Well, community banks really are the backbone of many of those small investors. They're the ones that they go to church with and shop at the grocery store. They know their businesses. They may know that it's been a long-term relationship with that local community bank. By being able to expand the footprint of those community banks, we're going to be able to expand their lending power as well to those small businesses.

Well, it's interesting that here we actually have a bipartisan package of bills. This isn't just something that's the Republicans' ideas. In fact, in the Financial Services Committee, we had this discussion and finally, it truly is going to help create a healthier environment for small businesses to hire and expand.

In fact, President Obama's administration released what's called a Statement of Administration Policy yesterday supporting this very act. We welcome his support and recognition of this bill's innovative solutions to ensuring our small businesses can access capital needed to expand, hire, and invest. And again, that's because you, the American people, we here in the House of Representatives are looking for those real honest solutions.

Well, it's fair to say that our government out of the way of small businesses as well, the engine of our economy. We need to focus on the real economy, and our priority has to be that focus.

According to the Kaufman Foundation, start-up companies created nearly 40 million jobs, 40 million jobs since 1980, and the Small Business Administration shows small businesses generate over 60 percent of all the new jobs created here in the U.S. Sixty percent of all those jobs that we are hoping to have in this country are created by these small businesses.

In fact, even the World Bank has a report. It's called "Doing Business," and it showed that the United States has fallen to 13th for the "ease of starting a business."

So with that, Mr. Speaker, I appreciate this as a key to lasting, honest economic recovery. And we need—America needs—these real jobs, real solutions, and real results right now.

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes. Ms. SPEIER. Mr. Speaker, I rise again this morning to highlight the epidemic of rape and sexual assault in the military. I'm here to decry a code of dishonor that protects rapists and punishes victims. I'm here to call out an entrenched chain of command that suppresses reports of sexual assault because they bring unwanted attention to the unit.

I stand here today, as I have 15 previous times, to tell the story of a U.S. servicemember who was raped by a fellow servicemember and then robbed of justice by an unfair system that puts too much power in the hands of a single commander.

The current system of injustice is shamefully unfair. The story I'm about to tell is of Airman First Class Jessica Nicole Hinves of the United States Air Force, whose attempt for justice was snatched away by a single commander who was only on the job for 4 days and a decision to move forward with a court-martial.

The Department of Defense estimates that more than 19,000 servicemembers were raped or sexually assaulted in 2010, yet only 13 percent of them actually reported the rape; and of those 13 percent, only 8 percent of the perpetrators were prosecuted and an even smaller number were convicted.
Airman First Class Jessica Nicole Hinves, a former member of the Air Force, was raped in 2009 by a coworker who broke into her room through the bathroom at approximately 3:00 a.m. She sought medical care and bravely reported the rape. Friends of the rapist began harassing her. Airman Hinves was not intimidated. She right- ly pursued the matter through the military's justice system, and the rap ist was scheduled to stand trial in his court-martial. But the airman who raped Airman Hinves was never prosecuted. His new commander intervened and halted the court-martial. The new commander had only been on the job for 4 days and had no legal training, but still he dis- missed the prosecution and the man who raped Airman Hinves never was brought to justice. Only 4 days on the job, and the new commander inter- vented in the judicial proceedings.

So what happened next? Well, the rapist was given a “good conduct” award for his tour of the Quarter, and Airman Hinves, who was then transferred to another base, now suffers from severe panic attacks and anxiety.

Who can blame a victim for not wanting to report a rape or other humiliating assault? The current proc- ess for adjudicating sexual assault and rape in the military is shockingly un- just and is more likely to punish a vic- tim than a perpetrator.

Airman Hinves was the victim of a violent crime. In response, she did ev- erything right. But one commander’s decision stood in the way of a fair pro- ceeding against the perpetrator.

In the current military chain of command, commanders can issue virtually any punishment or, in this case, the rapist was not punished at all because the command has complete authority and discretion over how a degrading and violent assault under their command is handled.

Command discretion empowers the commander to decide if a case goes for- ward to court-martial. The same com- mander is empowered to determine which JAG officer will serve as prose- cutor, which will serve as defense counsel, who oversees the investiga- tion, and even serve as convening au- thority and, in nonjudicial cases, deter- mine disciplinary action. All these functions are given to the discretion of one person. Simply put, command discretion sets up a dynamic fraught with conflict of interest and potential abuse of power.

This chain of command must be dis- rupted. We can no longer accept that victims of rape and abuse at hands belong to the judgment of a single superior. Instead, victims should have the ben- efit of impartiality by objective ex- perts, which is what my bill, H.R. 3435, the STOP Act does.

The STOP Act would take the prose- cution reporting, oversight, inves- tigation, and victim care of sexual assau lts out of the hands of the normal chain of command and place the juris- diction in the hands of an impartial of- fice staffed by experts, both military and civilian, but retain it in the mili- tary.

Now you’ve heard the story of Air- man Hinves. I will continue to tell sto- ries like hers until this broken system is fixed. I urge you to speak out for those who have been victims of sexual assault or rape in the military. I urge you to write me at stopmilitaryrape@mail.house.gov.

NOMINATIONS FOR THE UNITED STATES SERVICE ACADEMIES FROM PENNSYLVANIA’S SEVENTH DISTRICT

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

Mr. MEEHAN. Mr. Speaker, let me take a moment to associate myself with the remarks of the gentlelady from California and commend her for her efforts in this point to identify the steps that can be taken to alleviate the issue of unaddressed rapes in the mili- tary. As a former prosecutor, I com- ment that it is tragic that our col- leagues, in a bipartisan fashion, to pay attention to this issue and hope that we might be able to find common ground to alleviate this injustice.

Mr. Speaker, I rise today to honor 36 remarkable young people in my own district. The following students from Pennsylvania’s Seventh Congressional District will receive my nomination for the United States Service Academies.

Nominated to the United States Mili- tary are: Domenic Luciani from Mon- signor Bonner High School, Nicholas Gustaitis from B. Reed Henderson High School, Andrew Helbling from La Salle College High School, Evan Harkins from West Chester Bayard Rustin High School, Kunal Jha from Delaware County Christian High School, Daniel McCormick from The Episcopal Acad- emy, Ryan Fulmer from Devon Pre- paratory School, Dean Feinman from Haverford High School, and Isaac Wag- ner graduating from the Pennsylvania Homeschoolers Accreditation Agency.

Nominated to the United States Naval Academy are: Maxwell Wiehech from West Chester East High School, Sean Ridinger from Marple Newtown High School, Timothy Bell from Arch- bishop Wood High School, Michael Cerrato from Methacton Sen- ior High School, Fletcher Criswell from Spring-Ford Senior High School, Michael Dartnell from Monsignor Bon- ner High School, Thomas Dolan from Ridley High School, Andrew Driban from Garnet Valley High School, Peter Guo from Conestoga High School, Joseph Horn from Roman Catholic High School, William Kacergis from The Episcopal Academy, Alexander La Brunson from St. Joseph's Preparatory School, Brian Lanzafame from New- town High School, Luke Lawrence from West Chester East High School, Michael McKernan from Penncrest High School, Eric Milkowski from Monsignor Bonner High School, Jackson Pierucci from Malvern Preparatory School, Thomas Shibata from Strath Haven High School, Joseph Sincavage from St. Joseph's Preparatory School, and Eric Csep from Strath Haven High School has been nominated to both the Naval Academy and the Air Force Academy.

Nominated to the United States Air Force Academy are: Caitlin Sullivan from Radnor Senior High School, Re- becca Bates from Villa Maria Acad- emy, Kevin Brewer from Monsignor Bonner High School, Meghan Callahan from Cardinal O'Hara High School, and Kyle Schawtrian from Spring-Ford High School.

And lastly, to the United States Mer- chant Marine Academy are: Kelly Choi from Garnet Valley High School and Peter Heinbockel from Strath Haven High School.

Mr. Speaker, it’s my privilege to nominate these fine young men and women to our United States Service Academies, some of the finest institu- tions in the world. Pennsylvania students have demonstrated them- selves to be the best of the best. I in- vite the people of southeastern Penn- sylvania to join me in honoring them for their willingness to serve our coun- try, and I wish each and every one of them all of the best in their bright fu- tures ahead.

WE NEED A GREATER COMMIT- MENT TO PEACE AND SECURITY

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

Ms. WOOLSEY. Mr. Speaker, today marks exactly 125 months to the day that we’ve been at war with Afghan- istan. That’s 125 months that we have been sending brave young men and women to be maimed and killed in a conflict that is not advancing our val- ues but actually degrading them.

I’ve never believed more fervently that this war is a national security dis- aster, as well as a national tragedy and a moral catastrophe. What we need is to cherish human life and human dignity here in the United States and on every corner of the globe.

Yesterday, we lost one of this body’s fierce champions for these values, our colleague, Donald Payne. He was a peacemaker, a man of conscience, an ambassador of decency and compas- sion. He would not tolerate genocide and despair. He didn’t turn a blind eye to human suffering, and he didn’t care if it was happening in Newark or Nige- ria. He went to some of the most dan- gerous places on Earth to make lives
and conditions better. He was a voice for the otherwise voiceless. He used his power to advocate for people who were otherwise powerless.

In the mid-nineties, I observed Representative Payne at a hearing with the State Department. He was arguing, he was pleading with the State Department to designate the Darfur genocide. He actually had tears in his eyes and tears in his voice, and this is a man known for being very mild mannered.

His compelling arguments and his compassion and passion actually made it possible to convince the world to condemn the Sudan/Darfur government's role in planning and executing the militia's campaign to kill. His leadership had an indelible impact on African nations.

Congressman Payne shared my belief that the wars we've been fighting for the last decade are dreadful mistakes. He was one of those who stood with us in 2005, when the war in Iraq was still popular, to say no, this is wrong, we have to bring our troops home. But he also understood that it wasn't just about ending war. Mr. Speaker. It was about also leaving something else behind: hope, opportunity, democracy, and human rights.

He knew that the key to ending violence, terrorism, and instability was to build up human capital, to fight hunger and disease, to defend and advance women's rights, to build strong schools, and provide decent health care worldwide.

We've lost Donald Payne. But in his honor, let's not lose sight of the ideals he made his life's work. Let's not lose sight of the goals he fought for so tenaciously.

Because of Donald Payne's example, I will fight forever for peace and for stability worldwide, and believe me, the beginning of this effort will be to bring our troops home from Afghanistan.

VOICE OF TEXAS—BILL BAGI:
CROSBY, TEXAS

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

Mr. POE of Texas. Mr. Speaker, like many Members of Congress, I receive thousands of emails from my neighbors each month about the issues that are important to them. Since I work for them and I'm their advocate, it is important that I bring their words directly to the House floor and let other Members hear what I call the pulse of Texas.

Bill Bagi, from Crosby, Texas, recently wrote me about the deteriorating condition of our southern border with Mexico. Here's what he has to say:

I own and operate a heavy, specialized trucking company and transport specialized freight around the USA and Canada. One-fourth of my freight ends up in the south Texas towns of McAllen, Pharr, and Brownsville, and other towns.

Over the last 10 years, I have watched the border in south Texas deteriorate with not only undocumented crossing, but much worse—the cartels. I know from many of my business customers along the U.S. border that this cartel issue is becoming a very serious issue. Many a blood bath is taking place on the Rio Grande River.

I urge you to ask the President and our Congress to stop the deployment of troops on the southern border, but to increase them tenfold to protect our U.S. citizens living in America.

This is much more serious than the media and the government want to admit.

The U.S. government wants a blood bath to take place before they protect our U.S. southern home front! We must stop the infusion of the Rio Grande River or they will infest the whole United States, as the Chicago cartel did back in the mob days.

Families are not arming themselves for fun in south Texas. They are preparing for the worst to come. Many believe the U.S. government will not be there when the time comes and we need them. If we don't stop them in south Texas, than Houston and Dallas will be infested with cartel influence.

I have great concerns that they are already operating in the Highlands/Baytown area of southeast Texas.

Thanks for your past support and future drive to protect U.S. citizens.

Mr. Speaker, Mr. Bagi tells us that he's solved the problem with the drug cartels. He is a businessman, and he sees firsthand, as the citizens who live on the border do, the problem with the drug cartels.

He is not alone. Mexico is quickly becoming, in my opinion, a failed state. Texas towns are in danger because the Federal Government just does not adequately defend the homeland. Bureaucrats in Washington should listen to the people who actually live and work on the southern border.

Unlike what our government wants us to believe, the drug cartels do not stop at the Mexican-Texas border. Even just last week, our border patrol came under gunfire on the border in Texas from the Mexican side of the border. Mr. Speaker, Mexico's border with the U.S. is its own with private sector financing.

The Export-Import Bank is the center of our export strategy. It helps us compete. It always when we have a level playing field. That's what the Export-Import Bank does. It helps us compete.

WHERE ARE THE JOBS?

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

Mr. McDERMOTT. Mr. Speaker, this week is yet another week in which the House of Representatives has done virtually nothing. We heard my colleagues say they're repackaging some bills, putting them around, and they're going to pass it out of here. It's a press release for the week that they go home.

After 14 months of running the House, Republicans haven't passed a real jobs bill. I'll give a great example. Economists and business people know that the biggest growth markets for American companies are exports. When we support U.S. exports, we are supporting American jobs. But to support, we need the Export-Import Bank.

The Ex-Im Bank is a wonder. It provides extremely low-risk loans for businesses for exports, small business, medium-size, and big. The U.S. Export-Import Bank does not cost the American taxpayers one penny. It actually makes money, and it helps American businesses and workers sell hundreds of billions of dollars of American goods.

In short, the Ex-Im Bank does just what we need to be doing: compete in the world economy with every tool we have.

Study after study, year after year says that American export efforts need a level playing field.

The President is doing all he can. He stood in this well and talked about it and has put forward proposals. But with simple legislation like the extension of the Export-Import Bank, we can do very much more. The Export-Import Bank is the center of our export strategy.

Now, how does it work?

General Electric was recently bidding on a $500 million rail project to supply 150 diesel-electric locomotives to Pakistan. Pakistani officials told GE they preferred the GE locomotives and were willing to pay a premium for their high quality and dependability.

There was a complication in the fact that the bid from the Chinese locomotive manufacturer included a financing package with longer terms and drastically reduced fees that GE could not match on its own with private sector financing. The Export-Import Bank stepped in with a financing package that matched the Chinese financing package and enabled Pakistan to make its decision on a true apples-to-apples comparison of American and Chinese goods.

We can win that one. We can win it always when we have a level playing field. That's what the Export-Import Bank does. It helps us compete.

It's not just big businesses—GE, Boeing. It's also that every office in the Congress receives a letter once a month from the Export-Import Bank, telling us of the companies that got that service in our districts. Nucor Steel, Brooks Rand Labs, NOVA Fisherys, American Wine Trade, Coastal Environmental Systems, International Lubricants, which are all in my district, receive the support of the Export-Import Bank. Without it, they could not have done business on their own.

Now, in the past year, not only have we supported $34 billion worth of exports and 227,000 jobs in 3,300 companies in this country, but the U.S. Treasury
against the siege and onslaught of women's access to health care. Let me be very clear: women's access to health care is not a battle about a woman's choice or the utilization of contraceptives or family planning. It is, simply, women's access to health care. The right to birth control is an issue of women's health care. Let me give you a recent study's commentary by the National Women's Law Center: It found that 25-year-old women have been charged up to 84 percent more than their male contemporaries for individual health plans that specifically exclude maternity coverage. Let me be very clear: 84 percent higher than a male's plan to allow a woman to have access to health care. Therein lies the purpose of the Affordable Care Act—not individual mandates but to be able to even the playing field for women's health care. Therefore, let me indicate that using or not using birth control or family planning is an individual matter, but you can lose those without a prescription. It should be a decision between a woman, her conscience, her doctor, and certainly her faith. So I wish to address the recent tenor of the debate on birth control.

A young law student, Sandra Fluke, came before this body, before the Members of Congress, and testified regarding coverage for family planning and contraceptives. She was then publicly derailed as being a slut and a prostitute. I worry that years of derogatory terms to silence women's opinions are over forever, particularly when they speak about truth. She recounted the story of a young friend who lost an ovary.

Let me repeat: she, Ms. Fluke, recounted a story of a young friend who lost an ovary due to polycystic ovarian fibroids, which can be managed by contraceptives through prescription. Unfortunately, that young woman could not afford contraceptives and had to endure terrible pain. As a result of asking for help to address female law students' health concerns, Ms. Fluke, in coming to this body as an American citizen, as is her right to petition and speak to the Members of Congress, was called a slut and a prostitute by an entertainment talk-show host.

Calling women these sorts of names is no more than vile, underranked, and a way of defeating one's right to speak. I don't deny that entertainers and talk-show entertainers and flamboyant conversationalists to speak all day, but there has to be a defining moment of dignity and respect to anyone's disagreement. So I hope more and more advertisers will recognize that a woman's power is greater than the individual entertainer's power. Drop off that show. Drop off one by one, day by day. Leave them to the old-fashioned medicine of the 1800s—the pills that will cure all. Let the old doc medicate me be their advertisers. That's about the level that they should be at.

Women's health is so very important; and at some point, reproductive health is very much a part of it. Polycystic ovarian syndrome is helped by contraceptives. Mr. Speaker, all of these—endometriosis, the lack of menstrual periods, menstrual cramps, premenstrual syndrome—are helped by treatment and access to women's health care.

Let me finally say in conclusion that when you cut Medicaid, you cut poor women's access to health care. I will stand and fight for women's access to health care and their own decisions because it is part of the American way. So let us stand together, united as a Nation, being fair and open to all opinions, but never denying a woman, along with every other American, access to health care.
PLEDGE OF ALLEGIANCE

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

Mr. THOMPSON of Pennsylvania 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.

MESSAGE FROM THE SENATE

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

S. 1886. An act to prevent trafficking in counterfeit drugs.

The message also announced, that pursuant to the provisions of S. Con. Res. 35 (One Hundred Twelfth Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: The Senator from Nevada (Mr. REID); The Senator from New York (Mr. SCHUMER); and The Senator from Tennessee (Mr. ALEXANDER).

ANNOUNCEMENT BY THE SPEAKER

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

PORTS CAUCUS

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

Mr. POE of Texas. Mr. Speaker, last week, Congresswoman JANICE HAHN (CA) and I hosted the inaugural event for the bipartisan congressional PORTS Caucus.

The PORTS Caucus currently includes a bipartisan group of 42 Members of Congress, representing 19 States and two territories.

I represent several ports in southeast Texas, and I am pleased that our Nation’s ports now have a voice in Congress. Ms. HAHN represents ports on the west coast.

Ports are critical to our national security and our economic security. They are America’s link to the rest of the world, whether it’s the food we eat, the car we drive, the light bulb we use in our homes, or the clothes we wear. Every American household is impacted by some activity at our ports.

The PORTS Caucus will raise awareness and educate others about the major issues important to American ports.

I look forward to working with Congresswoman HAHN, and I want to thank her for thinking of this idea; I look forward to working with other Members of Congress to ensure economic growth in America.

ANNOUNCEMENT BY THE SPEAKER

Mr. THOMPSON of Pennsylvania led the Pledge of Allegiance as follows:

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GIRL SCOUTS OF RHODE ISLAND

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

Mr. CICILLINE. Mr. Speaker, I rise today to honor Girl Scouts of Rhode Island, a program that strives to help young girls become model citizens.

In honor of the 100th anniversary of the Girl Scouts of America, as well as National Women’s History Month, I’m pleased to recognize the contributions that the Girl Scouts have made in Rhode Island where it has reached 9,400 girls through its 770 troops in the past year.

More than just going door to door selling Thin Mints and Tagalongs to their friends and neighbors, the Girl Scouts of Rhode Island provide young women and girls across our State with the opportunity to take part in a group that builds American families’ confidence, courage, and character who make the world a better place and giving them a foundation for success later in life.

The Girl Scouts of Rhode Island should take great pride in the work they do every day.

I congratulate the Girl Scouts of Rhode Island on their incredible work.

CBP PROJECTS HIGH UNEMPLOYMENT UNTIL 2014

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

Mr. WILSON of South Carolina. Mr. Speaker, last month the Congressional Budget Office released a report which stated that our Nation’s unemployment rate is not expected to dip below 8 percent until 2014, which reveals the President’s policies have failed and demonstrates jobs America is experiencing the longest stretch of high unemployment since the Great Depression.

The study also concluded that if every American searching for employment were counted, sadly our unemployment rate would be around 15 percent.

When the President lobbied for his economic plan, he promised that our unemployment rate would not exceed 8 percent. Instead, February marks the 36th month where the unemployment rate has been above 8 percent. This is a tragedy for American families.

House Republicans are focused on putting American families back to work. I urge the President and the liberal-controlled Senate to take immediate action of the dozens of job-creation bills that have passed the House with bipartisan support.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

TEXAS INDEPENDENCE DAY

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

Mr. GENE GREEN of Texas. Mr. Speaker, last Friday, March 2, 2012, marked Texas Independence Day.

It was 176 years ago that the Texas Declaration of Independence was ratified by the convention of 1836 at Washington-on-the-Brazos, Texas.

A military dictatorship took over Mexico, abolishing the Mexican Constitution. The dictatorship refused to provide trial by jury and suppression of religion, public education for its citizens, and allowed the confiscation of firearms. The last one being the most intolerable, particularly among Texans.

Failure to provide these basic rights violated the sacred contract between a government and its people. Texas did what we still do today, stood up for our rights. In response, the Mexican Army marched to Texas, waging a war on the land and the people, enforcing the decrees of the military dictatorship through brute force and without any democratic legitimacy.

As future Texas President and Governor Sam Houston, along with other delegates, signed the Texas Declaration of Independence, General Santa Anna’s army besieged the independence forces at the Alamo in San Antonio.

Yesterday, March 6, 176 years ago, 4 days after the signing, the Alamo fell with Lieutenant Colonel William Barrett Travis, former Tennessee Congressman David Crockett and approximately 200 other Texas defenders.

In a dramatic turnaround, Texans achieved their independence several weeks later on April 21, 1836. Roughly 900 members of the Texas Army overpower a larger Mexican force. I’m proud to represent the San Jacinto Battlefield and State Park.

God bless Texas and God bless America.

THE JOBS ACT

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

Mrs. CAPITO. Mr. Speaker, today we’re considering a bipartisan legislative package called the JOBS Act, Jumpstart Our Business Startups. This is what our constituents want us to do, and they want to see us get it done.

The JOBS Act is a legislative package designed to move our economy and restore opportunities for America’s primary job creators, our small businesses, start-ups, and entrepreneurs. These measures create capital formation, will spur the growth of start-ups and small businesses, and pave the way for more small-scale businesses to go public and create more jobs.

As I said, this has broad bipartisan support. Of the six bills, only 32 Members voted “no” on all six of these bills as they moved through the House and the committee.

In his State of the Union, the President asked us to send him a bill that
helps small businesses and entrepreneurs, and that's exactly what the JOBS Act does. We're presented with an opportunity to act in a truly bipartisan fashion that will promote job growth across our Nation. So we should join together, I believe, as Republicans and Democrats. House and Senate, to give the President the piece of legislation so he can sign it into law.

CASSIUS S. WILLIAMS
(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Today, I rise to congratulate Cassius S. Williams, a dear friend, who is the recipient of North Carolina State University's Watauga Medal Award.

Each year, NC State honors alumni for outstanding contributions to the university by bestowing on them the Watauga Medal Award.

Recipients of this historic award understand the enormous value of education, and their commitment to that idea has generated immeasurable prosperity for communities across America.

Watauga Medal Award recipients are candles in the dark, men and women of great purpose who have injected their talents into the lifeblood of North Carolina State University.

Mr. Speaker, this week Cassius S. Williams of Greenville, North Carolina, joined that list of great servants as its newest honoree. Without a doubt, his work will continue to foster a better education for our children that will create a brighter future for North Carolina.

The House of Representatives appreciates Cassius Williams.

MORE IMPORTANT THAN EVER TO STAND BY ISRAEL
(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, yesterday I had the opportunity to meet with many of my constituents who were here to advocate for continued support for Israel. I had the opportunity to listen to Prime Minister Netanyahu's remarks on the importance of the American-Israeli alliance and friendship. I'm here to tell them today that I could not agree more, and that at no time has the bond between our countries been more important.

In an increasingly uncertain and unstable region in the world, Israel has proven time and again to be a steadfast friend. In a region governed at best by fledgling democracies with uncertain futures and at worst by brutal authoritarian dictatorships, Israel is a champion for democracy and freedom.

But today Israel is surrounded by increasingly unstable neighbors. Just over the horizon, they're faced with an Iranian regime that threatens them with annihilation.

In these circumstances, we must do what is right and stand with our friends and allies, the Israeli people. I've been proud to do so in this Chamber, and I will continue to do so in the weeks and months ahead.

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

Mr. BACA. Mr. Speaker, 56 percent of Americans think that creating new jobs should be Congress' number 1 priority, but since taking control of the House, the Republicans have yet to pass one single jobs bill.

Republicans have been more interested in obstructing than finding solutions. They said "no" to the American Jobs Act. Then they introduced a transportation bill that would cut 550,000 jobs. Now with gas prices on the rise, they refuse to roll up their sleeves and get to work.

We should be voting today on legislation to cut billions in tax breaks for big oil companies, crack down on speculators who are inflating prices at the pump, and invest in new sources such as solar energy and new energy. But instead, we have more of the same partisan gridlock from the Party of No.

Our constituents deserve more. America deserves more. Let's get to work now. Lower the gas prices and create jobs.

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

Mr. YODER. Mr. Speaker, today I rise to call attention to the millions of families and small business owners across America who are feeling the impact of high energy prices.

According to AAA, the national average of a gallon of gasoline currently stands at $3.77, with no sign of relief in the near future. Couple this with higher utility rates, and Americans are struggling under the weight of ever-increasing energy costs. Yet Washington continues to attempt to pile more regulations and higher taxes on energy producers in this country.

Let's face it, higher energy taxes, more utility mandates, and bigger regulatory burdens drive up the cost of energy production. Washington will not lower energy costs for Americans by placing further roadblocks in the way of energy production in this country.

As workers sit idly waiting to construct the Keystone pipeline and utility and energy producers work to remove government burdens and barriers, the American people are losing. It's time we get the Federal Government out of the way and work together towards bipartisan solutions that get America producing domestic sources of energy in all forms.

Let's lower energy costs for all Americans, and let's get our economy growing again.

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

Ms. CHU. Mr. Speaker, have you been to the gas station recently and been shocked? Gas is above $4 a gallon, in many parts of the country, and climbing. That's 29 cents more than only a month ago. Families everywhere are feeling the pinch.

But why?

It doesn't make sense. Supply is up. We've quadrupled U.S. drilling rigs over the past 3 years. Oil production is at its highest in a decade. Last year, the import of oil fell to its lowest level in 16 years.

The answer is Wall Street speculators who buy oil and hoard it. They take it off the market and lower supply until the price goes up. Then they sell it and make a killing off the American people. That's not fair.

We can't drill our way out of this problem. We must end Wall Street speculation, end subsidies for the oil companies, and end the political rhetoric. Let's have real solutions to the problems.

AFTER-BIRTH ABORTION
(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on February 23, the Journal of Medical Ethics published an article, entitled, "After-birth abortion: why should the baby live?"

The authors argue that an infant child can be killed since they do not have the same moral status as a "person." They go even further to say that adoption is not always in the best interest of an unwanted child. The furor over this article has been immense. Unfortunately, the editors defend publishing this article on the basis that there should be reasoned engagement on the subject.

This article may have the form of scholarly argument, but its substance is madness. The authors maintain that a baby can only be granted personhood through the recognition of other human beings. They fundamentally reject something that we all hold dear: that all men are endowed by their Creator with the right to life.

A healthy amount of anger over this article is not only natural but also right. It is shocking and sad to see such destructive arguments given credibility in a premier medical journal.

WHERE ARE THE JOBS?
(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)
Mr. JOHNSON of Georgia. Mr. Speaker, this is supposed to be the people’s House, but for 428 days of Republican leadership, the American people have been locked out on the outside looking in. House Tea Party Republicans have locked millions of Americans out of this economy and thrown away the key.

Republicans have gambled on tax cuts for millionaire oil companies, and special interests and fought to lay off droves of teachers, cops, and firefighters, all in an effort to see President Obama and our recovery fail.

Now, after 2 years of private sector job growth under President Obama, Republicans claim that they now have a jobs plan. Well, I’m going to tell you, rooting against the President, hoping that he will fail, is not a jobs plan. That’s called sabotage.

Republicans have defaulted on their promises to the American people that they would work to create jobs. Instead, they have started a war against women’s health.

How much longer will Americans with no jobs, no hope, and no money have to wait before the Republicans pass a jobs bill?

THE BENEFITS OF CONTRACEPTION

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

Ms. SCHAKOWSKY. Mr. Speaker, at a speak-out on women’s right to birth control, I solicited comments from the huge audience that attended, and here are a few.

Reverend Luke Pepper writes:

As a Christian and as a minister, I believe that it is important and necessary that we promote the quality of health care and livelihood of the families in this country. Providing access and availability of quality contraception to women is the right and moral thing to do.

A young anonymous woman wrote:

I’m a virgin. I take birth control because I have polycystic ovarian syndrome, and it will reduce my risk of uterine cancer.

Diane writes:

My 6-year-old son is on the autism spectrum. Nearly 6 years after he was born, my husband and I judged our family ready to support and nurture a second child. If, through the lack of access to birth control, we had been faced with an unplanned pregnancy before we were ready, we would not have had the resources—financial or emotional—to give our child the care and support he needed that enabled him to become the fine young man he is. Nor would we have been able to devote full care and attention to his beloved young brother.

TRIBUTE TO JAN DOMENE

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to a true champion for education, Jan Harp Domene, who passed away this past Monday.

Jan was a fervent advocate for children. She was serving our community for more than 35 years with the Parent Teacher Association, and she eventually became the head of the PTA in 2007, the National PTA.

During her time with the PTA, Jan facilitated collaborative partnerships with many education, health, safety, and child advocacy groups to benefit children and provide valuable resources to PTA members. As President, she raised the level of parent involvement nationwide by increasing PTA membership and also by accessing very diverse communities.

Jan Harp Domene was the product of public schools in Orange County, and she knew firsthand the intricate needs of our community and children. After serving as the national president of the PTA, she returned to Anaheim and became a trustee on our Anaheim Union High School board.

She was a role model. She actually was a family friend. I remember, as a young child, my mother would get calls from Jan if I was out of line. Both locally and nationally, we are better off because of Jan, and I am honored, and I hope that my colleagues will honor her, also.

SUPPORT THE DISCLOSE ACT

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

Ms. HAHN. I would like to thank my colleague, Congressman TED POE, for giving a shout-out to the PORTS Caucus, showing this country that we can work together on issues that matter to the people of America.

Mr. Speaker, yesterday was Super Tuesday, but this year’s campaign has been a long time coming. It has born witness to the Supreme Court’s misguided decision in the Citizens United case, a handful of Super PACs, funded by billionaires and special interest groups, have dominated this year’s elections. But it doesn’t have to be this way. Four years ago, the Republican nominee for President, JOHN MCCAIN, was a leading voice in reforming how we pay for campaigns. In this body, Republican Chris Shays fought to clean up elections. That’s why I’ve come to the floor today, to ask my Republican friends to join with me and with people like JOHN MCCAIN and Chris Shays in supporting the DISCLOSE Act, a law that would shine very bright light on these Super PACs. This law would let us know who is paying for these ads, and it would require these invisible power brokers to appear in their ads just like the candidates do. If we came together to change this, it really would be super.

NATIONAL TEACH AG DAY

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

Mr. CHANDLER. I rise today to honor the third annual celebration of National Teach Ag Day, on March 15, which is a day designed to raise awareness of the need for more agriculture teachers. It encourages people to consider a career as an agriculture teacher, and it celebrates the positive contributions these teachers make in their schools and communities.

Every day, agriculture teachers help students develop the skills necessary to become leaders and contributing members of society. These educators teach by doing, not just by telling. And by sharing their love for young people, they prepare students for successful careers, whether they choose to become leaders and contributing members of society.

That’s what we need to do. Mr. Speaker, because the fact is that the big oil companies have been taking us for ride on a pothole-filled highway. It’s time to get into an energy-efficient vehicle and on the road to economic prosperity and energy independence.

GAS PRICES

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

Mr. ROGERS of Alabama. I want to talk today about gas prices. I represent a poor, rural congressional district where, unlike in the big communities.
cities, you have to have an automobile to get around. In the 10 years I’ve been in Congress, I have not had any issue that has upset my constituents more, including the wars, than the gas prices we had 3 years ago. Yet here we are back in the same situation, with the prices of $105 for a barrel and $3.75 for a gallon of gas, and nothing has been done over the last 3 years by this administration to deal with this issue.

More recently, the Keystone pipeline, which would have helped bring a lot more oil into the marketplace by bringing it down from Canada to our refineries on the coast, has been denied by the President.

He needs to be doing some things to help us. He says that people say, Drill, drill, drill, and that that won’t solve our problem. Well, the fact is it might have if we’d started 3 years ago when we had the last burst of high gas prices. He’s right, it won’t help deal with the current problem, but this is going to continue to be a perpetual problem if he doesn’t make some changes. He needs to authorize the drilling in the Outer Continental Shelf and in ANWR, and he needs to pass the Keystone pipeline.

GAS PRICES ARE RISING

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

Ms. HANABUSA. Gas prices are rising. We’ll see an average, some predict, of $5 per gallon by this summer. Some predict an average, some predict to get around. In the 10 years I’ve been in Congress, I have not had any issue that merits our attention here in Congress. This month, hundreds of thousands of concerned citizens, 140,000 and counting, have signed a petition to the White House. The petition calls on the administration to stop expanding trade with Vietnam at the expense of human rights.

I know it’s hard for all of us here in this Chamber to imagine, but in Vietnam, the mere act of composing songs can be sufficient grounds for the Communist government to put someone in jail. In fact, that’s exactly what happened to Viet Khang, a Vietnamese citizen who was currently being detained for merely composing and singing two protest songs about his own country. This arrest and many others in recent years are issues that have to be at the forefront of our trade negotiations with the Vietnamese Government.

I urge my colleagues to join me in urging the President to put freedom and human rights first.

COMMENDING PRESIDENT BARACK OBAMA’S COMMITMENT TO AMERICAN ENERGY

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

Mr. FALEOMAVAEGA. Mr. Speaker, President Obama recently announced $30 million in new funding as part of his energy research strategy to reduce our reliance on foreign oil and to provide America with new choices for vehicles that do not rely on gasoline. This crucial investment in advanced energy research will promote American innovation to diversify our Nation’s energy resources and create new jobs.

Under President Obama’s leadership, America is now producing more oil than at any time in the last 8 years, and our dependence on foreign oil is at a 16-year low. Over the last 3 years, the Obama administration has approved dozens of new pipelines and has opened millions of acres for oil and gas exploration. The Obama administration has also implemented the toughest fuel economy standards in history, which will cut oil consumption by 12 billion barrels and save American families $1.7 trillion over the next 10 years.

Mr. Speaker, I commend President Obama for taking these important steps to promote and to enhance our Nation’s energy needs.
brand-new leaders of our conference, a freshman, the gentleman from Tennessee, STEPHEN FINCHER, and was ordered reported by Chairman BACHUS and the Committee on Financial Services on February 16, 2012, by a near-unanimous vote of 13 from Democrats, 3 from Republicans, and one which is a bipartisan amendment, meaning that Republican and Democrat Members of this House have a chance to work together on legislation for jobs for our country.

The chairman of the Rules Committee, DAVID DREIER, has once again allowed the House to work its will through this important legislative process, allowing us to have a rule not only where Members of Congress can come and share their ideas with the Rules Committee but, once again, have them made in order so they can come down on the floor, express their ideas, work with the perfect legislation and then to vote for the bill, because they were a part of it. Those are ideas that I think are good for this body. DAVID DREIER, as chairman of the committee, deeply believes this is the way it would operate.

Today, we’re going to consider a package of commonsense job-creating bills that stand out for a unique reason, and that unique reason is the President of the United States now supports what we’re doing, also. Unfortunately, Senate Democrats have yet to give their blessing on this bill and the package that’s included. So we’re just going to have to do the best we can and then hope for the best. Maybe the idea they want is to take action on bills that will not only better enable our country to have jobs and job creation, but also a chance to work for the best interests of the American people.

House Republicans are on the floor again today, as we have been doing now for a year and a few months, to persistently make the case about job creation, why jobs are important to our country, why the Congress should be all about working with the private sector to more fully participate in local business creation. I am proud to tell them now that, as a result of this bill today and the legislation included, help is on the way.

These important changes not only provide businesses with the necessary ability to expand, but also they provide individuals with new mechanisms to invest and grow with their own personal assets in companies that they know best.

The rules adjusted in the underlying bill have been restrictive to economic growth, so we’ve got to adjust these problems in the marketplace and come up with new and creative ideas. We must push these constructive proposals without political delay. This is why Members of this body, including, I believe, the gentleman from Colorado (Mr. POLIS), support this bill. The reason why we can work together is to make sure we push constructive ideas that are good for people back home.

There is legislation from our major party whip, KEVIN MCCARTHY from California, that will allow small businesses to advertise for the purpose of soliciting capital from potential investors. In other words, this was not allowed by law. Small companies that have great ideas but lack the opportunity to advertise for investors in the marketplace and have people see that there are good ideas, KEVIN McCARTHY is right.

A bill from Congressman MCHENRY from North Carolina would allow what is called crowdfunding for initial public offerings under $1 million. In other words, it opens up the ability to gather more capital to come in. And Congressman MCHENRY is right, we need to utilize market-based solutions, and we need to make it legal.

There are two bills from Congressmen SCHWEIKERT from Arizona: one that would allow more businesses to go public, gathering investment and job creation. And another that raises the threshold number of shareholders required from mandatory Securities and Exchange Commission registration for all companies.

And finally, there is a bill by Congresswoman QUAYLE from Arizona which increases the threshold number of shareholders permitted to invest in community banks; in other words, bringing more investors to an important part of our economy, and that is called community banks, banks that exist for the purpose of trying to make our communities, local communities, stronger and better.

The banks and small businesses of the district which I represent, the 32nd congressional district of Texas, which is primarily Dallas, Richardson, Addison, and Irving, Texas, consistently describe to me about how they have an inability to raise capital investment, not due to a lack of willing investors, but as a result of burdensome regulations that are placed on them by the Federal Government. Often times we discuss the need for the SEC limit on individual investors, and we know that it restricts their ability to raise funds through community participation in local business creation. I am proud to tell them now that, as a result of this bill today and the legislation included, help is on the way.
The future success of our economy rests in the hands of small, private business, not the Federal Government. What we are doing today is unleashing their potential so that they can focus on the things that they do best. This is part of my long-term Republican major theme: pro business, pro economic development for jobs, the formation of capital, and the ability for American entrepreneurship to flourish. The result is going to be an economic environment that promotes growth and generates more revenue for the Federal Government.

I am delighted not only to be on the floor once again talking about economic growth, but once again trying to act as a soundpiece for the American people who are asking the United States Congress to please understand the plight that we are in, to please help work on what will help the free enterprise system jobs creation.

So many as we are on the floor, we offer a hearty reminder to the American people that there are people who get what this is about. That’s partially why this Republican majority has been and will be the one to be successful. We will push for reform, a pro-growth environment, and the opportunity to help people back home, instead of with a handout, to give them the ability to do things on their own.

I urge my colleagues to vote for this fair rule, and I reserve the balance of my time.

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

Mr. SESSIONS. This is my 22nd amendment of this bill. Mr. Speaker. I would like to thank my colleagues on both sides of the aisle who have worked long and hard on a number of these bills.

In my remarks today, Mr. Speaker. I want to talk about the good, the bad, and the ugly: the good that these bills can do to free up our capital markets, but the bad and the ugly of issues that are more substantial to job creation and the fiscal integrity of our country, which this Congress continues to ignore.

First, to respond to my colleague from Texas who several times blamed one particular party in the Senate for advancing these bills, I would just like to remind my colleague that many of these bills are sponsored by Democrats in the Senate. It’s not Democrats or Republicans in the Senate; it is the Senate that needs to pass this. And as we know, the Senate requires 60 votes. So I would hope that the gentleman from Texas would amend his future remarks and call upon the Senate to pass the JOBS Act rather than just the Democrats in the Senate, of course recognizing that Republican votes are needed. So I would answer the gentleman from Texas would amend his future remarks and call upon the Senate to pass the JOBS Act rather than just the Senate.

Mr. SESSIONS. Will the gentleman yield?

Mr. POLIS. I am happy to yield.

Mr. SESSIONS. I remind the gentleman that the Republican minority leader, Mr. McCONNELL, has been asking for some 30 jobs bills to at least go through committee or to be on the floor, and I do not think that a jobs bill would be a problem for a Republican to object to.

So I would once again advise the gentleman that I think my statement was correct. The Senate minority leader has asked for every single one of these 30 bills that have been passed by the House to be debated and voted on, and Republicans have pledged their support of all 30.

Mr. POLIS. Reclaiming my time, again, just as many of them are sponsored by Democrats as by Republicans. It will take votes from both sides to get to 60 votes. I think they can do that. And many of these bills before the House have had 400 votes, 90 percent of this body. Hopefully, they will command similarly large supermajorities in the Senate, comprised of both Democrats, many of whom sponsored these bills, and Republicans, who may be opposed to certain elements but hopefully, in the name of moving the country forward, will pass this JOBS Act.

Here’s what this bill will do.

First of all, it is not a JOBS Act, per se. The JOBS name is an acronym. It actually is called Jumpstart Our Business Startups Act, or JOBSA, but I guess JOBS sounds better. But what it really affects is capital markets. It is a real capital market bill. It is a good bill. It is components, businesses that have already passed the House. My colleague from Texas outlined several of them. I want to explain why they are so important.

First and foremost, it makes it easier for many small companies to go public. It rolls back some of the Sarbanes-Oxley regulations that were put in place in 2002 for small and medium-cap companies. Again, when you’re looking at the compliance cost of Sarbanes-Oxley, they are huge for the business. So it’s de minimis for a $10 billion business, but it’s substantial and, in fact, a deterrent to accessing the capital markets for a $100 million or a $300 million business. So this, in fact, rolls them back in a very thoughtful way.

And I would further call for reexamination, of course, of the requirements for businesses of all sizes, but this will allow many small and mid-cap businesses to access the public capital market.

Another thing we do under this bill is increase the number of shareholders that is required for mandatory registration with the FCC from 500 to 1,000. This is very important because companies can raise millions, which is a good practice. It gets the employees to own part of the company, to own part of the fruits of their labor, and to have some of the upside on the equity. But companies have effectively been limited on this because once they have 500 shareholders, they’re forced to file as public. So we’re allowing them to stay private longer, as the need fits them, and not have to scale back on their option policy with their employment. And secondly, it’s very important lenders in our community; and that’s an important step, as well, towards allowing capital to flow more freely.

So, in sum, the several bills, most of which have already passed this House, that we are packaging in the JOBS Act, this act that we’re doing here today, are good bills that will free up the capital markets. And, yes, in the medium and long term, there will likely be some jobs created, because where will that capital go? It will flow to businesses that will encourage job growth. This is not a magic that happens overnight, but this is something that happens as a fruit of the investment. Some of these start-ups that are funded through crowdfunding might, in fact, be employers of 1,000 people in 5 years or 10 years. And that’s what’s so exciting about the potential of these mechanisms to create value in the economy.

But what are we not doing? And what would be a real jobs bill? In my opinion, we’re really several things that are holding back our private sector recovery. First and foremost is our budget deficit and the questions about the
fiscal integrity of this country. This Congress continues to avoid taking action on a default scenario under which debt as a percentage of GDP would rise from about 70 percent where it is now to about 200 percent of our GDP by 2040, a far worse situation than many of the financially troubled nations in Europe that are currently undertaking bailouts.

This is widely known on both sides of the aisle, and, in fact, the solution is widely known, as well. There are several proposals that have been presented as a bipartisan group that emerged from the Senate, including Democrats and Republicans, that proposed a plan to reduce the deficit as a percentage of GDP down to 1.9 percent by 2021. There's been a similar effort on behalf of the Bowles-Simpson Commission, again, to rein in fiscal spending so that debt as a percentage of GDP would be 35 percent instead of 200 percent by 2040.

This Congress has not advanced either and, in fact, quite to the contrary, has passed an operational budget that only serves to continue these deficits through the next 10 years. Again, giving fiscal certainty around the integrity of our Nation would do a lot more to free up capital and improve the flow of capital and credit markets and create jobs than these relatively minor, but still important, bills that we're considering here today.

The other reform that would create a lot more jobs would be this bill, and I think would better be called a Jobs Act, if they could come up with a fancy acronym for it, is business tax reform.

I'd like to submit to the RECORD a recent report from the White House and the Department of the Treasury on a framework for business tax reform.

**INTRODUCTION**

America’s system of business taxation is in need of reform. The United States has a relatively narrow corporate tax base compared to other major peer countries, driven by loopholes, tax expenditures, and tax planning. This is combined with a statutory corporate tax rate that will soon be the highest in the world. As a result of this combination of a relatively narrow tax base and a high statutory tax rate, the U.S. tax system is uncompetitive and inefficient. The system distorts choices such as where to produce, what to invest in, how to finance a company, and where to domicile in an area where they have lower the corporate tax rate to 28 percent, putting the United States in line with major peer countries tax their corporations in the 20 to 25 percent range, and capital can flow across borders. Why would a for-profit company with a fiduciary responsibility to its shareholders choose to domicile in an area where they have to pay a 35-percent tax rate when they can pay a 20- or 25-percent tax rate and also exist in an environment that ensures the surety of law?

What the President’s tax reform proposal will do—and many of us on both sides of the aisle have been calling for similar reforms over the last several years—is, again, on a revenue-neutral basis, move the current corporate tax rate from about 35 percent to a lower rate of 28 percent. This would put our corporate tax code on the right track to compete internationally and ensure that America’s businesses can thrive, invest, and create jobs.

**I. Eliminate dozens of tax loopholes and subsidies, broaden the base and cut the corporate tax rate to spur growth in America:**

The Framework would eliminate dozens of tax expenditures, and fundamentally reform the business tax base to reduce distortions that hurt productivity and growth. It would reinvest these savings to lower the corporate tax rate to 28 percent, putting the United States in line with major competitor countries and encouraging greater investment in America.

**II. Strengthen American manufacturing and innovation:**

The Framework would refocus the manufacturing deduction and use the savings to reduce the effective rate on manufacturing to no more than 25 percent, while encouraging greater research and development and the production of clean energy.

**III. Strengthen the international tax system, including establishing a new minimum tax on foreign earnings, to encourage domestic investment and allow companies to benefit from incentives to grow their businesses rather than filling short-term needs.$$fiscally beleaguered nations in Europe that are currently undertaking bailouts.$$
The only truly new bill before us is the Re-opening American Capital Markets to Emerging Growth Companies Act introduced by Reps. FINCHER and CARNEY, which I am proud to cosponsor. This bill will help lower the costs for certain small and medium-sized companies, called “emerging growth companies,” to go public. The cost of “emerging growth companies” to go public would be reduced by phasing in some regulatory procedures including prohibitions on initial public offering (IPO) communications and independent audits of internal controls over financial reporting. These provisions would incentivize IPOs while ensuring that as they expand they come into compliance with these regulations.

Collectively this package is a good first step towards rebuilding our economy in the medium and long term—but not right now. Even after these bills are enacted, the SEC must issue new regulations, accredited investors must start buying these private securities and then startups and small businesses must do something constructive with that capital before any jobs are generated. Realistically, this bill could take years to produce meaningful results.

Mr. Speaker, the underlying package will undoubtedly have a positive impact on our economy and create a more accessible capital market for the benefit of entrepreneurs and small investors. The legislation we are considering today will encourage more entrepreneurs to grow businesses and allow more start-ups to go public and hire more American workers.

But simply labeling it a comprehensive jobs bill does not make it so.

Let’s not pull the wool over the American peoples’ eyes and make-believe that we are passing real jobs-stimulating legislation today. Our number one priority should remain sincere job growth—not just reconsidering bills previously debated and adopted by this House.

To get serious about growing our economy we should be working together to pass the President’s American Jobs Act which consists of common sense proposals that have been supported by every party, such as modernizing our public schools and investing in our nation’s infrastructure.

Instead of spending time on stale bills, we should be debating real tax reform legislation. President Obama has put forth a solid business tax reform plan that would stimulate job creation and investment in the United States. The Administration’s tax plan would reduce the corporate rate to ensure American companies remain competitive, eliminate overseas deductions and other tax expenditures and simplify the tax code. Obama’s plan would also strengthen American manufacturing and innovation, double the deduction entrepreneurs can deduct for start-up costs and cut certain taxes for small businesses to help them expand and hire. President Obama’s proposal would generate American jobs without adding to our deficit and demands serious consideration by this body.

We can also boost our economy by addressing our debt challenges. We should be considering and enacting a bold and balanced deficit reduction plan that puts all options on the table. An outcome to achieve comprehensive deficit reduction already exists in the Bowles-Simpson plan. I urge the Republican Majority to work with Democrats in the House to find a deficit reduction agreement that can be brought to this floor for a vote.

For more immediate job creation we need look no further than the federal highway authorization which is fast approaching the track at the end of this month. We desperately need a new federal transportation bill to put Americans to work, repair our crumbling roads and bridges and improve our mass transit systems. Yet Republicans have struggled for weeks to bring a transportation bill before this House.

I urge my colleagues on the other side of the aisle to work quickly to bring a bipartisan transportation bill to the floor to assist with our economic recovery in the very near future.

Passing the underlying bill will put us on the path towards a fruitful economy. I encourage Republicans to continue further down this path and bring to the floor the job-creating legislation that the American people want and deserve.

I strongly support the underlying bill and encourage its passage.

I reserve the balance of my time.
the United States ranks 12th now in ease of access to venture capital behind Israel, Hong Kong, Norway, and Singapore, among others. The bottom line is that fewer and fewer companies are choosing to go public, and those that do not usually go public on exchanges in the United States.

H.R. 3606 would reduce the costs of going public for small and medium-sized companies by phasing in certain regulatory requirements. Reducing these burdensome regulations will help small businesses raise capital, grow their business, and create private jobs for Americans.

I have reviewed the amendments made in order by the Rules Committee to H.R. 3606, and I will be supporting some and opposing others. Also, the gentleman from Delaware and I will be offering a manager’s amendment which will make some technical improvements to the bill.

I look forward to a lively debate here in this Chamber, and I support the rule to consider this bill.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a perfectly nice bill, but things are sometimes judged in comparison. It is being hailed as a bigger bill than it is, but that’s what happens when you grade on a curve as we grade on a curve.

One of the great philosophers of the 20th century was a man named Henny Youngman. One of his philosophical bits of wisdom was expressed in the Youngman. One of his philosophical bits of wisdom was expressed in the question and answer:

How's your wife? Compared to what?

Well, compared to the output of this House so far, this is a very, very, very major bill. Compared to our economy in general, it’s a good bill, but it’s got immediate significance in terms of jobs, and useful for the future. But as I said, I think it’s important just getting pumped up a little bit so we can avoid here, as a collective body, the charge that we haven’t done anything.

I do have one criticism of the rule, and I had expressed this hope yesterday and I was frustrated. A number of amendments were made in order, and I appreciate that, but every single amendment gets debated for only 10 minutes. That’s unworthy of a deliberative body. There are important questions here that are involved in these issues. And if you think these bills are important, then the amendments to them are important.

Now, what’s within the context of support. In most cases, we are talking about people who support the concept but have some differences about what should be there. But to say that every amendment gets debated for only 10 minutes, 5 minutes on each side, is to denigrate the deliberative function to a point which is of great concern to me. It is not as if we’ve been so busy that we couldn’t carve out time for 20 minutes or even a half hour of debate. So I regret the dumbing down of the House, which is represented by saying that no issue will be debated for more than 10 minutes.

Then I have one other question of a procedural sort as the ranking member of the Financial Services Committee. Most of these bills have been through the committee. There were six bills; four have even passed the House. Two bills, I was told, were from the committee. H.R. 4088, it’s got a new sponsor, the gentleman from Arizona (Mr. QUAYLE), and we’ve never seen that in our committee. I’ve checked. That bill was introduced February 24 or something. It’s never had a hearing. It’s never been through committee. So why are we getting a bill on the floor now that has never been seen in our committee?

I would yield to the gentleman from the Rules Committee.

Mr. SESSIONS. Mr. Speaker, I just so you know, the gentleman is correct, and I appreciate his viewpoint of this. This is a copy of Mr. QUAYLE’s bill right here. It’s about one-third of a page long. It’s a good idea that says we’re going to increase the number of people who can invest in a community bank. I hope that should not require us to have to go back and do too much digging about how that would be. We’re trying to perfect, instead of just having an amendment, to allow all members to take part in these things with their good ideas.

So I do take that what the gentleman says is correct, but is saying that is part of this bill. That should be what we’re about here on the floor, just as an amendment that may not have gone through.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SESSIONS. I wish I could. I’m out of time. I’ve got a whole bunch of speakers. But I appreciate the gentleman. He’ll have plenty of time.

At this time, Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. I want to thank my colleague, Mr. SESSIONS, for his leadership on the Rules Committee and otherwise in this House. I also want to commend Mr. FINCHER down from Tennessee for offering this legislation. It’s a very important bill.

Mr. Speaker, I rise today to support and speak in favor of the JOBS Act. What this legislation does is address a key concern that I hear from my constituents in western North Carolina.

We know that entrepreneurship here in the United States is at a 17-year low. We also realize that the rest of the world has caught up to us in terms of their capital markets and business formation. We also know that small businesses create the majority of new jobs in the United States. So it’s very important for us, in light of the new regulatory changes that have happened in the last couple of years here in Washington—the advent of Dodd-Frank that increases the cost of lending and makes it less available for small businesses, the CARD Act that makes credit cards less available to the average person who tries to start their business, like my father did in western North Carolina. We also realize that the regulatory changes, the more, higher red tape that we have here in Washington makes it
more expensive to do business here in
the United States.
These are major concerns. These are major concerns for my constituents in western North Carolina.
I want to commend Mr. FINCHER for offering the JOBS Act. We’ve got some very important pieces of information and policy changes in this bill.
If you look at the 1990s, we had 530 IPOs, on average, every year. We had fewer than 65 in the year 2009. We realize that going public is not the avenue for every business, though the dream of many small business folks. So an important component of the JOBS Act is a piece of legislation we passed that I authored here in the House, with the help of my colleague from New York (Mrs. MALONEY), the crowdfunding act, which allows small businesses to access the capital markets to sell equity, rather than ask for debt, sell equity in their firms to fund a new idea.
Crowdfunding takes the best of microfinance and crowd-sourcing and uses the power of the Internet for small businesses to offer securities in their company. Now, it could be used for a tech company, a President, to raise up to $2 million, but it could be used for a coffee shop in Hickory or in Asheville in western North Carolina to raise $50,000 and sell equity in their business. These regulatory changes are very important. We have regulations and laws on the books—the 1933 Securities Act, the 1934 Securities and Exchange Act—that really were the reaction to the problems and challenges of the day.
These put in restrictions in terms of advertising about your security. Well, that was a problem when the telephone was the new technology of the day. But we have the power of the Internet, and people are more informed today than they were 100 years ago about investing. So we’re changing these regulations and laws on the books to help small businesses can get the capital they need to grow and expand. That’s what this is all about.
It doesn’t fix every problem that we face today, but this is a bipartisan bill. It’s a good idea. The President has spoken in favor of many of the components of this legislation, and we hope, not to simply pass it out of the House on a bipartisan basis, but to ensure that we pass it through the Senate and the President signs it.
These are good ideas that can have an impact and help us grow and create jobs. It helps entrepreneurs. It helps small businesses. Those folks are the lifeblood of economic growth, and that’s what we’re Prince about.
I urge the adoption of the rule, and ask my colleagues to vote for passage.
Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY), an author of key provisions of this bill.
Mrs. MALONEY. I thank the gentleman for yielding, and for his leadership on the Rules Committee.
I rise in support of this rule and the underlying bill. It’s a package of bills designed to encourage the growth of smaller companies and start-ups, and it contains six separate bills, four of which have already passed this body by overwhelming majorities.
I share the concerns of the ranking member, Mr. FRANK, that these 17 amendments that were put in place, adequate time has not been given to fully debate them.
I do want to take up the issue with my good friend from North Carolina in his criticism of the CARD Act, saying that it has made it harder for Americans to receive cards. This bill that passed this body overwhelmingly, with Democratic leadership, I was proud to be the lead sponsor on it, working with all of my colleagues on the Democratic side. And what it did is it stopped unfair deceptive practices.
Money magazine called this bill the best friend a credit card holder ever had, and The Economist came out with a report earlier this year saying that this Democratic bill alone saved consumers in our country $10 billion in 1 year. I would say that’s an advantage for consumers, an excellent goal to have, too, the President and by the Democratic leadership.
I would like to take issue with this comprehensive jobs agenda. I do support it, but I think that we should be working on major job-creating opportunities such as the transportation bill and the President’s Jobs Act, and these two bills would create half a million jobs. Here we are re-packaging a group of old bills that we’ve passed before, and it does not constitute a comprehensive jobs bill.
As I said, four of the six bills have already passed the House with major support on both sides of the aisle. And I’m disturbed that one bill was taken from my Democratic colleague, Jim Himes.
I would like to quote The Washington Post. The Washington Post said:
The JOBS Act is not new legislation but is instead a grab bag of items that have already passed at the committee level or on the House floor by wide bipartisan votes.
These previously-passed bills make some useful yet modest steps forward, but they are no substitute for a major job-creating highway bill or passage of the full American Jobs Act. These bills make modest changes for start-up companies, making it easier for them to raise capital through the Internet and the solicitation of accredited investors, and loosening certain filing and regulatory requirements for start-ups and small banks.
I would say the prime goal of the Democratic leadership is to reignite the American Dream by building the pillars of success for small businesses, our entrepreneurs, and by making our economy stronger. These bills before us do help in many ways, although they are not a comprehensive jobs package. It rightly gives smaller companies and start-ups greater flexibility to grow and flourish.
I urge the adoption of the rule and the underlying bills. I do want to mention the Entrepreneur Access to Capital Act, which creates a new exemption from registration for crowdfunding securities. It permits a company to raise up to $1 million a year, with investors permitted to invest the lesser of $10,000 or 10 percent of their income annually in such companies.
I was pleased to work with my colleagues, Mr. MCHENRY, on this bill. It has a number of others that would reduce the cost of going public, and would aid in the capital formation for job creation in our country.
I do want to note that the President of the United States, his administration, is supporting these bills, and I urge passage of them.
Mr. SESSIONS. Mr. Speaker, the gentleman from New York makes a good point. I yield the 4 minutes to the gentlewoman from Arizona (Mr. SCHWEIKERT), who has brought great ideas to this bill and they are included in this.
Mr. SCHWEIKERT. First, I want to thank my good friend from Texas. I appreciate him yielding the 4 minutes.
Mr. Speaker, I rise in support of the rule and also the underlying bill, and I may have somewhat of a unique perspective here. Being on the Financial Services Committee, we actually started building and moving these bills and working on them, I think, as early as a year ago, last March. So almost everything that’s in here has been well vetted, well understood, even down to the amendments and the concepts and the discussion from the last year.
And why is it important, doing this JOBS Act and bringing it together, in many ways, as a single piece of legislation? Because conceptually, they all work together. It is capital formation. It is about those small-growth companies that create the next wave of employment.
Let’s face it, this truly is about jobs. It’s about economic growth. The creative destruction that creates that next generation of excitement and employment comes from the types of business that need access to capital, and these are the very ones that this bill moves forward.
I also want to note that I hope sort of moves universally from right to left here. I’m one of the believers that capital formation is going to
Mr. BISHOP of New York. Mr. Speaker, if we defeat the previous question, we’ll offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up Mr. Bisch's bill, H.R. 1748, the Taxpayer and Gas Price Relief Act and that would simply do it, in addition to this bill, with broad bipartisan support. I know there is also broad bipartisan concern about gas prices, a very substantial issue that many on my side of the aisle, Mr. Bisch included, would like to do something about so that American consumers have more of their money to take home.

So to talk about his proposal, I yield 3 minutes to the gentleman from New York (Mr. Bisch).

I rise in opposition to the rule and in support of moving again for their business. And again obstacles to getting this economy moving again for their business. And again, we're long overdue for a serious debate about gas prices. Scoring political points on this issue serves no one and doesn't solve the problem.

Here are the facts: domestic production is at an 8-year high; imports of oil are at a 17-year low: there are more oil and gas rigs drilling in the United States today than in the rest of the world combined. Let me say that again: there are more oil and gas rigs drilling in the United States today than in the rest of the world combined. The number of oil rigs in operation right now has quadrupled since President Bush left office. Last year, the U.S. became a net exporter of oil for the first time in 62 years. Clearly, rising gas prices do not result from a U.S. demand-driven problem. Nor is rising gas prices a U.S. demand-driven problem. Demand is down by 6 1/2 percent in just 1 year and 17 percent since 2008. There are several factors that contribute to rising gas prices, but U.S. supply and U.S. demand are not among them.

Gas prices in the eastern part of my district are up over 60 cents in a matter of weeks. Rampant speculation accounts for most of that, with over 60 percent of the market controlled by speculators. The speculators’ overriding goal is profit-taking, which our legislation targets. Nothing is wrong with profits. They made our Nation strong, but profits should not be pursued at the expense of middle-class families, too often of our fragile economic recovery. This legislation makes sure it doesn’t by cutting out speculators. It strengthens penalties for manipulating the market, which forces up gas prices and leads to price gouging. It also cuts out subsidies for Big Oil, and we should reinvest those dollars in a long-term strategy focused on clean and renewable sources.

Mr. Speaker, our debate should focus on a green-energy policy free of market speculation and subsidies our Nation can’t afford. We must tackle this problem rather than use it to point fingers and to try to score political points.

Thus I urge my colleagues to vote “no” on the previous question and vote “no” on the rule.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Indiana (Mr. Pence), a man who I believe is one of the clearest minds in this Congress. He is a person who studies well, applies logic, and comes out with a deduction for making things better for people who are not in this town, but rather people who are the real part of America.

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

Mr. Pence. I thank the gentleman for yielding, for his leadership, and for his gracious esteem.

I rise in support of H. Res. 572, the rule supporting the JOBS Act and underlying bill.

Mr. Speaker, everywhere I go across the Hoosier State, I hear job creators in a number of ways. It exempts securities issued through innovative crowdfunding solutions from SEC regulation. All of those in plain English mean that we are going to change the regulatory environment to help start-ups and small businesses access public markets.

I've always believed throughout more than a decade of work in this floor that politics is the art of the possible, and today we will not do everything as those of us on this side of the aisle believe that we should do to jump-start this economy. But we will do what we can do in a bipartisan fashion in passing this rule and moving the bipartisan Jumpstart Our Business Startups, or JOBS, Act, H.R. 3606.

On behalf of the hardworking taxpayers in Indiana, on behalf of that job creator I talked to this morning, I urge my colleagues to come together today to join us in supporting the JOBS Act. Let’s give entrepreneurs and investors all across this country the incentive and the regulatory relief they need to get this economy back on track.

Mr. POLIS. I would like to inquire if the gentleman from Texas has any remaining speakers.

Mr. SESSIONS. I thank the gentleman for asking.

We did have one person who we believe is attempting to get here, to run here; but I would at this time tell you he is not here. So I would encourage the gentleman to go ahead and close as he would choose, and I would then do the same.

Mr. POLIS. Thank you.

I will certainly extend the courtesy to the gentleman. The gentleman in his closing wants to yield some time to his speaker, I will not object to that.

Mr. SESSIONS. I appreciate that. Thank you very much.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, this bill here today is a good bill, an important bill. It’s not a job solution for our country. It’s not a jobs bill. In fact, I think the frustration some is that to a certain extent it represents the spinning of the wheels that has typified this Congress in that most of these bills have actually already passed this House. That being said, if packaging them together and passing them again and trying to put pressure on the Senate to pass it is a constructive step towards making them law, then let’s do it. I think a strong bipartisan vote of support will help do that. President Obama said he would sign this bill.

I call upon my colleagues of both sides of the aisle to support these bills. These bills help free up our capital markets in positive and constructive ways by allowing small investors the same opportunities as large investors, allowing companies a little bit more flexibility on remaining private over who their investors are, allowing small and mid-cap companies easier access to public marketplaces. This in turn makes it easier for venture capitalists and angel funders to invest in start-up companies, knowing that there’s a better prospect of an exit should they succeed at smaller mid-cap stages.
We all know there’s a number of contributing factors to the decrease in public offerings that have occurred over the last 10 years, a trend that I think is beginning to reverse. One of those factors—certainly not the only aspect—would be that Wall Street has continued to pass and operate, in fact, under a budget that simply continues to siphon off and reduce the ability to invest in the marketplace.

Providing that certainty around the fiscal integrity of our country—to allow for long-term borrowing, to ensure that businesses have access to capital and predictability over time—will, again, do more to create jobs and grow our economy than will freeing up the capital markets around a few key areas that these bills accomplish.

So, yes, an important step in the right direction, including the only one truly new bill before us—the others have already been passed by this House. This is a good package, a good package which is a first start to rebalancing our economy. But even after they’re enacted, there is nothing that instantaneously happens. They have to be implemented, and crediting investors have to start buying private securities and start-ups. It will be several years before this can translate into actual job growth, which it will, and produce meaningful results. Again, corporate tax reform and showing some interest among this body in actually balancing our budget deficit would send an indication now to the marketplace that would immediately lead to job growth.

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

The SPEAKER pro tempore (Mr. McCLINTOCK). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I urge my colleagues to vote “no” and to defeat the previous question.

These are important bills, and I strongly support the underlying bill. I encourage its passage, and again encourage my colleagues to be fully aware that, by passing this bill, we are not solving the problem. Yes, by passing the Senate and by getting the bill to Obama’s desk, it can eventually lead to the enhancement of our capital markets and some job creation, but this doesn’t get us off the hook.

Passing this bill and not balancing the budget deficit, as this Congress is currently doing, as well as passing this bill and not reforming our Tax Code by making it more in line with the international standard, is not a recipe for American competitiveness or jobs. In fact, this bill alone, if it means the absence of balancing our budget and the absence of making our Tax Code competitive, is just an anti-jobs bill. You can’t bail out a sinking ship. This country needs fundamental change. We need to balance our budget deficit. We need corporate tax reform. We need individual tax reform.

I call upon my colleagues on both sides of the aisle to take those items up. Yes, it is a small positive measure to help free up capital flow, particularly for start-ups and mid-cap companies. Let’s pass this jobs bill now. I encourage my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS, Mr. Speaker, to hear the gentleman’s strong voice, not only as an entrepreneur before he came to Congress, but in what he has proposed and what he has done to create jobs, is very inspiring. As he speaks in the Rules Committee in which he talks about America wanting to have a bright future, he is the father of a new young son, and he looks forward to the day that this town will have a bright future in this country. I appreciate his words today. He is also correct that we do not create jobs in this town, as it is the free enterprise system that does that. Yet with that comes an equal recognition that this town gets in the way of jobs and job creation.

Our taxes are preparing to be raised. The President, the Democratic Party are all about raising taxes on entrepreneurs, on small business, and taking away a Tax Code that benefits women, in particular married women, with the marriage penalty, as well as job creation through incentives that might deal with this. All of these things are part of a pro-growth jobs package, and unfortunately, this House is not together on that. This House is having to, as the gentleman Mr. PENCE said, make incremental progress as we move forward.

Mr. Speaker, this body is big enough to be able to recognize that this country is in trouble. I don’t care if you live in Orlando, Florida, or in Pensacola, Florida, or whether you live in Dallas, Texas, or whether you live in California. The needs of this great Nation are about job creation and about ensuring in a competitive marketplace that we keep jobs, that we have ample credit, that we have new ideas like we’re handling today in this bill, but that we also go to some old ideas, one of which is, when you tax companies or when you tax something, you get less of it.

What the President of the United States and the Democratic Party want to do is to tax America—the free enterprise system—to pick winners and losers and then try to call that “new revenue” to this country when, in fact, all it does is offset it with higher unemployment.

We need a pro-growth economy. We need a pro-growth agenda from the United States Congress. It’s not just the House but the Senate, also. We need the President of the United States to understand that his temptation to talk about economic growth should be about job creation, not just about picking winners and losers. We need somebody who will bring us together, not attack our free enterprise system, not stand up in front of people and say that we can work together but then not actually become responsible enough to become engaged in legislation that will pass so that we can make this country stronger.

The Republican Party is here today, leading this bill on the floor. We’ve got
a rule which allows for 17 amendments—13 from Democrats, 3 from Republicans, 1 bipartisan. Once again, our Speaker, JOHN BOEINER, and the gentleman from California, DAVID DREIER, who is the chairman of the Rules Committee, are intensely interested in having this work in a bipartisan fashion, but making progress for the American people. The American people expect us and want us to do better. Today is a chance to work together, pass a bill, put it across the aisle to the Senate, and ask them to please join us in making life better for Americans.

Mr. Speaker, I hope all of my colleagues support this rule. It’s a great rule. It does the right thing. The underlying legislation is wonderful, and I urge a “yes” vote on the previous question and on the rule.

The material previously referred to by Mr. POLIS is as follows:

**AN AMENDMENT TO H. RES. 572 OFFERED BY Mr. POLIS OF COLORADO**

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

**SEC. 2.** Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 6 of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1748) to provide consumers relief from high gas prices, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority members of the Committee on Energy and Commerce, the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage; provided that any Member may offer a motion and who controls the time for debate thereon. When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment. In Duer's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule (with special rules reported from the Committee on Rules) opens the resolution to amendment and further debate.” (Chapter 21, section 21.4.2.1). On rejections of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.

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

Mr. SESSIONS. I yield back the balance.

Mr. Clarence Cannon’s Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge. To demand the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition in order to offer an amendment.”

Mr. Speaker, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.

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

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, with Mr. McCLINTOCK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting Chair. When the Committee of the Whole rose on Tuesday, March 6, 2012, amendment No. 3 printed in the Congressional Record by the gentleman from Minnesota (Mr. ELLISON) had been disposed of.

**AMENDMENT NO. 1 OFFERED BY MRS. NAPOLITANO**

The Acting Chair. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) on which further proceedings were postponed and on which the votes prevailed by voice vote.

The Clerk will redesignate the amendment.

**RECORDED VOTE**

The Acting Chair. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 11, as follows:

[further message from the Senate]

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.
Mr. GARAMENDI. Mr. Speaker, I have a motion at the desk. The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARAMENDI. In its present form, yes.

The SPEAKER pro tempore. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. Garamendi moves to recommit the bill H.R. 2842 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment.

At the end of the bill, add the following:

SEC. 3. MAKE IT IN AMERICA.

Any lease of power privilege offered pursuant to this Act or the amendments made by this Act shall require that all materials used for conduit hydropower generation be manufactured in the United States.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, my colleagues, those of you that are addicted to late-night C–SPAN, you may have noticed this placard which we’ve used for the last year. If you’re not addicted to late-night C–SPAN, then let me inform you what this is all about.

This is about rebuilding the American manufacturing sector. Mr. Speaker, if America is going to make it, then we must, once again, Make It In America.

And this is about government policy. This is about the policies that you and I have the opportunity to make here in America so that this great Nation can, once again, become the great manufacturing center of the world.

Is there any one of us in this room that wants to concede American manufacturing to China or to any other place in the world? Is there one of us in this room that’s willing to give up the opportunity for this Nation to, once again, be the principal of this world when it comes to making things?

Gentlemen and ladies, it’s all about policy. It’s about the policy that we write here in the Halls of Congress. It’s about how we structure our tax policy, how we structure our employment policy and our educational policy. It’s about the laws that we make.

Mr. GARAMENDI. And don’t think this is industrial policy that’s new. It’s not. George Washington turned his Secretary of Treasury and told Mr. Hamilton, I want an industrial policy for America. And Hamilton came back with eight specific things that needed to be done at the very birth of this Nation to build the American manufacturing sector. And from that start, we grew. So, George Washington set out an industrial policy, put in place laws to build the start of the great American manufacturing renaissance. But let’s look what happened.

This chart is not a happy chart. This is about the decline. Beginning in 1792, the year George Washington set out an industrial policy, the year he turned his Secretary of Treasury and told Mr. Hamilton, I want an industrial policy for America. And Hamilton came back with eight specific things that needed to be done at the very birth of this Nation to build the American manufacturing sector. And from that start, we grew. So, George Washington set out an industrial policy, put in place laws to build the start of the great American manufacturing renaissance. But let’s look what happened.

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Mr. HASTINGS of Washington. Mr. Speaker, I first want to note that the author of the motion to recommit voted for the bill out of committee without this amendment. So there certainly is some basis of support for this bill. But I find it very, very ironic that we come to this point. I consider these impediments to job creation in this country made by the other side, because the other side has generally—not everybody, to the credit of some of those that understand energy creation—but generally they oppose all American energy.

Look at the vote on developing the resources in the Outer Continental Shelf. Look at the vote on developing resources in Alaska. Look at the vote on developing resources in the interior—Springfield, James Leffel and Co. in Ohio—much discussed these last couple of days. It's not going to solve all the problems, with this amendment that I proposed. It's not going to solve the tax cuts. It’s not going to solve jobs. But if you happen to live in New Mexico, you may want to know that the Elephant Butte Irrigation District has a small hydro facility and able to build in America a hydro facility. They cobbled it together on their own.

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

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

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

NOES—237

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered; ordering the previous question on House Resolution 572 and adoption of House Resolution 572, if ordered.

The vote was taken by electronic devices, and there were—ayes 182, noes 237, not voting 13, as follows:

Ayes—182

Ackerman
Altmire
Andrews
Bass (NY)
Baldwin
Barrow
Beroth (CA)
Becerra
Berkeley
Bilirakis
Biscan
Bosco (GA)
Bosch (NY)
Bowman
Broady (FL)
Broun
Brady (TX)
Brown (FL)
Butlerfield
Capuano
Cardona
Carpenter
Carney
Carson (IN)
Duffy
FDL
Chandler
Chu
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Cotter
Crumar
Cowan
Davis (GA)
Davis (IL)
DeFazio
Delagarza
DeLauro
Deutch
Dembinski
Doggert
Donnelly (NY)
Edwards
Ellison
Engel
Farr
Fattah

Noes—237

Adams
Aderholt
Akin
Alexander
Amaiz
Amodei
Ashby
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NE)
Benishek
Berg
Begert
Bilirakis
Bishop (CA)
Black
Blacksburg
Bonner
Bono Mack
Boozman
Broun (GA)
Brooks
Brown (GA)
Brown (SC)
Buck
Buchense
Burke
Burkress
Burton (IN)

[Roll No. 99]
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The yeas and nays were ordered.

Mr. HASTINGS of Washington. Mr. HASTINGS (of Washington). The question was taken; and the yeas and nays were ordered. So the motion to recommit was rejected.

The SPEAKER pro tempore. The yeas and nays were ordered. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 265, nays 77, not voting 11, as follows:

[Names of members voting yeas, nays, and not voting]

JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 177, not voting 11, as follows:

[Names of members voting yeas, nays, and not voting]
Mr. Speaker, this is a great game for Lobbyists. It’s tough enough staying together, traditionally Black Colleges and Universities, scholarships to one of the 47 public Historically Black Colleges and Universities. The spirit of the conference, but in all events, the bill, the game of hockey to inner-city youth

was allowed to speak out of order.)

opportuity. who would otherwise not have an op-

to support a program that the National Hockey
League, and for the first time, there has been a commitment that has been

made. Part of these proceeds will be matched with commitments that will, with Gary Bettman, the commissioner of the National Hockey League, support scholarships now for the Thurgood Marshall Scholarship Fund to the col-
lege fund. They will help support 4-year scholarships to one of the 47 public Histori-
ically Black Colleges and Universities for an inner-city youth. We are excited and grateful to be a part of it. I yield to my friend, the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I want to thank the lobbyists for the day. Nick Lewis who helped organize this. The game did get a little chippy, that’s true, but it has no connection with the 29-point lobbying reform measure that we’re putting out tomorrow. I also want to thank the staff who helped carry this older team of guys, our captain, Tim Regan right over here, for helping us win the game and bring back the cup and beat back the evil hordes.

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

There was no objection to the SPEAKER pro tempore. The question was on the resolution. The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic de-
device, and there were...
the House that the JOBS Act is comprehensive and is something that the Small Business Committee, I'm happy to report to the House, is something that will help jump-start our economy.

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks.

Mr. Speaker, I ask unanimous consent that all Members be permitted to place in the Record the statement of the Chairman of the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3606) to provide for greater access to capital for small businesses, to promote entrepreneurship, and for other purposes.

I am proud to report to my colleagues to approve this bill by a vote of 418 to 0, with an overwhelming bipartisan support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (T. BACHUS) and the gentleman from Massachusetts (Mr. MCCOREY) demand the previous question.

Mr. Speaker, I ask unanimous consent to turn to investors and to the capital markets for economic growth by improving access to public capital markets for emerging growth companies, creates jobs, and encourages companies, small companies, to add jobs and to invest.

Mr. Speaker, I yield myself 4 minutes.

Mr. Chairman, I rise in strong support of the JOBS Act and urge my House colleagues to approve this bill with an overwhelming bipartisan support.

This is a legislative package that we believe will help jump-start our economy by creating new growth opportunities for America’s small businesses, for start-up companies, and for entrepreneurs.

As chairman of the Financial Services Committee, I’m happy to report to the House that the JOBS Act is comprised of six bills that originated in our committee and were approved by the committee. I’m also proud that these six bills received overwhelming, strong bipartisan support in our committee. It shows that Republicans and Democrats can come together, find common ground, and work together to help America’s small businesses. In fact, after being approved by the Financial Services Committee, several of these bills moved to the House floor and gained almost unanimous approval by the House and the House Ways and Means Committee.

Not only do these measures have support from Republicans and Democrats, but we received a letter from the President this morning dated March 6 endorsing this legislation, strongly endorsing it. So it not only has the support of Republicans, Democrats, but also the President and the leadership.

A consistent observation that I’ve heard and many others have heard from our business community is that the Federal Government is making it hard for them to expand and hire new workers with all of its new regulations, mandates and spending, as well as those not-so-new regulations.

We’ve not recovered from this recession as quickly as we did from past recessions, and the reason is that we have not gotten the job growth that we had hoped, and the job growth we have gotten has been from large corporations. The difference in this recovery and the last one is not large companies not hiring—they are. It’s small companies not hiring.

Now, there are two reasons that small companies are not hiring, and these are small companies that generate traditionally 65–70 percent of the new jobs. The first is regulation and the second is capital. It’s harder for these companies to get traditional bank financing. We all know that. We’ve talked to bankers. We’ve talked to companies. Companies can’t always get bank financing, they must turn investors and to the capital market. These bipartisan measures will make it easier for them to do that. They’ll increase capital formation which spurs the growth in start-up companies, creates jobs, and encourages companies, small companies, to add jobs and to invest.

We know that, as I’ve said, small businesses are the generators of our economy. In fact, large corporations, 70–80 percent of their business is from small businesses. That’s why we, as Congress, hearing from our constituents, must cut the red tape that prevents our small businesses and entrepreneurs, the same people that created Google, that created Apple, that created a lot of our biotech companies, they were small businesses but now they are the growth businesses. They are creating the most jobs. This legislation will give them the freedom and access to capital, to hire workers, and to grow jobs.

I want to talk about just one of these bills, and that is the bill that came out of...
of our committee with strong bipartisan support; and I want to commend three gentlemen, the gentleman from Tennessee (Mr. FINCHER), the gentleman from Delaware (Mr. CARNEY) and Mr. Himes, who crafted it. It allows the IPO market, which has been in a funk, to come back and create small companies and allow them to capitalize.

I reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), a Member not on the committee but one of those most active for pushing for one of the bills here.

Ms. ESHOO. Mr. Chairman, I thank the ranking member, Mr. FRANK. I'm pleased to rise in support of H.R. 1070, which is a provision, actually a bill, that is contained in the underlying legislation, which we're going to be voting on today.

I want to pay tribute to Mr. FRANK because he recognized the worth of the idea of expanding on Regulation A which was part of the Securities Act of 1933. He was more than interested in the idea. He said come and testify on it, which I did in December of 2010. So I was proud to do that. Both sides of the aisle at that hearing became heavily engaged in it. They were really fascinated by what it was and what it could do relative to capital formation.

So now this bipartisan bill, which passed the House in November of this last year 421–1, is now in this bill. It increases the offering limit from $5 million to $50 million under the SEC Regulation A, which, as I think I said, was enacted during the Great Depression to facilitate the flow of capital to small businesses. Look at the genius of FDR. A reformed Regulation A is important for startups and small businesses and start-ups not only in my Silicon Valley district but across the country. This is especially true in high-tech, sustainable energy and the life sciences fields where research and development start-up costs routinely exceed $5 million. And in 2010, only seven companies actually took advantage of it.

So I'm very pleased that this is part of this overall legislation. I salute the ranking member, Mr. FRANK, for recognizing it early on, and for getting the ball rolling at his committee with a Member who is not a member of his committee; and I think the country is going to win with this provision, and I'm proud to support it.

Mr. HENRY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is clear that jobs and the economy are issue number one for our constituents. Many of them don't see the recovery. Even though professional economists may see it, it is clearly the slowest and weakest recovery in the postwar era. We still have now 3 full years of 8-plus percent unemployment, half of our population being classified as either low income or near poverty. Again, our constituents are demanding jobs.

Public policy makes a difference. Republicans have many disagreements with our President over public policy. We disagree with the $11 trillion of additional debt put into his budget. We disagree with the $1.9 trillion in new job-killing tax increases he wants to impose, much of it on small businesses. We disagree—we believe the Keystone pipeline, with its 20,000 shovel-ready jobs, should be approved. We believe these policies harm job growth and the economy.

But, Mr. Chairman, we have a rare occasion today, and that is there is something that we do agree on. We have found an opportunity to work on a bipartisan basis, on common ground, with the President of the United States. The President said:

It is time to cut away the red tape that prevents too many rapidly growing start-up companies from raising capital and going public.

House Republicans agree, and thus we are happy to bring to the floor, on a bipartisan basis, the JOBS Act.

The President has issued his Statement of Administration Policy endorsing this legislation. Again, a rare occurrence, and I believe it's something that our constituents would like to see us do. They want to see us stand on principle, but they also want to see us compromise on policies to advance those principles. And so this is a bill that will give these emerging growth companies—again, perhaps the future Googles, perhaps the future Apples, the future HomeDepots and the future Starbucks—that opportunity to begin to access equity capital where the hurdles, the redtape, and the cost burdens have been too high.

We know that one of many of the root causes of the economic debacle we had, clearly this was an economy that was overly leveraged. So we in the Congress need to do whatever we can to enable the start-up companies, the job engines of America, to be able to access the equity markets, not just the debt markets. So this is a bill most of which has been previously approved by large majorities either in the Financial Services Committee or on the floor.

I want to thank the gentleman from Tennessee (Mr. FINCHER) for his leadership, Chairman BACHUS, Leader CANTOR, and the ranking member, Mr. FRANK from Massachusetts. The American people want to see jobs, hope, and opportunity. So let's pass the JOBS Act, and let's pass it now.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I yield myself 1 minute to say that I regret that my friend from Texas felt the need to absolve himself from the charge of excesive bipartisanism by engaging in a partisan diatribe that was factually shaky. It is true that this recovery from the recession has been slower than any previous one, but that's because the economy Barack Obama inherited from George Bush was the weakest since the Great Depression. The President called for cutting the red tape that prevents many rapidly growing startup companies from raising needed capital.

It is time to cut away the redtape that prevents too many rapidly growing start-up companies from raising capital and going public.

Mr. FINCHER. Mr. Chairman, today is a good day for a package of bills to help small businesses access capital and grow. So I'm very pleased that this is part of this overall legislation. I salute the chairman of the Rules Committee Print of H.R. 3606, the Reopen-
growth, occurs after they go public. But in recent years, the number of companies going public has fallen off dramatically.

This legislation takes a commonsense approach to reduce the cost of going public for these small and medium-sized companies by phasing in, not exempting, by phasing in certain costly regulatory requirements. Our bill creates a new category of issuers called “emerging growth companies.” They have annual revenues of less than $1 billion and are below a public offering, less than $700 million in publicly traded shares. Exemptions for these on-ramp status companies would either end after 5 years or when the company reaches $1 billion in revenue or $700 million in public float.

The legislation will also make it easier for potential investors to get access to research and company information in advance of an IPO, and this is an issue around which there’s been quite a bit of discussion in committee. This is critical, though, for small and medium-sized companies trying to raise capital that have less visibility in the marketplace.

Last month, these provisions were passed out of the Financial Services Committee with a bipartisan vote of 54–1. We’ve worked hard to craft legislation that could garner support from Democrats and Republicans and that can pass both the House and the Senate.

Mr. HENSARLING. Mr. Chairman, I now would like to yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 4088, the Jumpstart Our Business Startups Act. This bill will do just that, jump-start our small businesses by removing costly, outdated compliance requirements so businesses and community banks can grow, invest, and hire again. I want to thank Chairman Bachus for including my legislation, H.R. 4088, the Capital Expansion Act, in the JOBS Act.

Our economy is being held back by onerous and outdated regulations that keep small community banks from expanding. By making it easier for community banks to raise capital and invest in our Nation’s small businesses, our entire economy benefits. This legislation is essential to small businesses and will allow them greater access to necessary capital. Community banks make up 11 percent of the banking industry’s assets in America, but they provide 40 percent of all loans to small businesses.

Currently, community banks with 500 or fewer employees must register with the SEC, and in so doing, submit to the costly compliance requirements. The 500 shareholder threshold hasn’t been updated since 1964. This bill would raise the threshold and lower compliance requirements for community banks.

Under this act, a bank would be able to expand to 2,000 shareholders before having to register with the SEC. This will lower compliance costs for the average community bank by $250,000 annually. That $250,000 can be lent to small businesses or used to expand its operations.

I’ve been concerned about these issues addressed by this act since I came to Congress, and it is gratifying to see these issues being dealt with forward. I’m particularly grateful for Mr. FINCHER for his leadership on H.R. 3606, which addresses the high cost of compliance with section 404 of Sarbanes-Oxley. As I’ve been meeting with small businesses within my district, I’ve been engaged in trying to roll back the costly regulations on our start-ups imposed by Sarbanes-Oxley.

I urge my colleagues to support the JOBS Act.

Mr. SCHWEIKERT of Arizona. Madam Chair, I yield myself such time as I may consume.

I now have an answer to a question. There was a bill in this package, H.R. 4088, that had never had a hearing. It had never been to our committee, everything else had been through the process, and I asked the gentleman from Texas (Mr. SESSIONS) about it. He represented the Rules Committee, and he told me it was a good bill, and therefore, there was no need for it to go through subcommittee or committee. That struck me as rather odd. I’ve never heard that before, particularly from a party that says they wanted to bring us regular order.

But now that the gentleman from Arizona has spoken, let me make a confession, Madam Chair. I was being a little disingenuous under the House rules, but you can cop to it.

I knew what H.R. 4088 was, and we just heard from the gentleman from Arizona—surprisingly, to me—just talk about his legislation. His legislation is the bill I was referring to. It was introduced on February 24. I believe, of this year. It had no hearing. It had no subcommittee markup. But it was still a very good bill. It was submitted by a Member who was rather odd. I’ve never heard that before, particularly from a party that says they wanted to bring us regular order.

Mr. SCHWEIKERT. I was grateful, never look a gift bill in the mouth; because when they took the bill from the two men who had created it one who was out of town from them so that the gentleman from Arizona could get the credit for the bill—in which he had done no work—he seemed perfectly happy with it.

Now, I want to say, Madam Chairman, I’ve been here for 31½ years. I’m about to be not here anymore, but I do want to say—and I have thought very much about what I am about to say—that’s shameful, shameful on the part of the Republican leadership that engaged in this cheap maneuver, shameful on the part of a Member who would be the beneficiary of it. I am deeply disappointed.

Yeah, it’s a good bill. It was a good bill when it was the Himes-Schweikert bill. It was a good bill when it went through the hearing in the subcommittee. And for two Members who worked hard on this to then have it taken away and credit given to someone who had nothing to do with it previously is a bad idea.

Then, for the gentleman from Texas (Mr. SESSIONS), on behalf of the Rules Committee, he did not want to admit this theft, so, instead, he announced a new principle—and I think it is now clear that’s not going to be a precedent—namely, that if it’s a good bill and a short bill, it doesn’t have to go through a hearing; it doesn’t have to go through subcommittee; it doesn’t have to go through committee. That was the defense the gentleman from Texas made because he was, to his credit, embarrassed to acknowledge the truth.

But having understood that was the truth, I do want to make it clear: it would have been better if he had not pretended, as it seems to me he did, that this was such a wonderful bill it didn’t need to go through the procedures rather than to the truth that it was a bill that had gone through the procedure but had been kidnapped along the way and brought here under another Member.

As I said, I am very disappointed in a leadership that would do this and in a Member who would accept credit for a bill with which he had so little to do with.
I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I yield myself 10 seconds to say that the American people care about jobs and economic growth, not a John Grisham novel of intrigue. Either the gentleman, the ranking member, likes the policy—"the more the merrier," he can vote for it. If he doesn't like the policy, he can vote against it. The President of the United States apparently supports it.

At this time, I yield 3 minutes to the gentleman from Tennessee (Mr. FINCHER), the author of the JOBS Act.

Mr. FINCHER. I thank the gentleman for yielding.

I want to thank my colleague, Mr. CARNEY, for his hard work and his staff for helping work on something good for the country, for the private sector, getting people back to work. That's what we were sent here to do.

I'm pleased to be the lead sponsor on H.R. 3606, the Jumpstart Our Business Startups Act.

Today, according to the Bureau of Labor Statistics, the unemployment rate is currently 8.3 percent. However, in December of last year, all but one of the counties I represent had a higher unemployment rate than the national average of 8.5 percent. At the top of the list was Obion County, with an unemployment rate of 15.3 percent, and Crockett County, where I live, 10.5 percent.

It is no secret that our Nation has seen a decline in small business start-ups over the last few years, which means less jobs created for American workers. I think we all can agree that small businesses and entrepreneurs are the backbone of our Nation and our economy.

The heartbeat of America is in the heartland of America, not here in Washington. The best thing our government can do right now to get our economy moving in the right direction is to help create an environment where new ideas and start-up companies have a chance to grow and succeed. The provisions in the JOBS Act will put the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation's entrepreneurs need.

Title I of this bill is legislation that I introduced with Congressman CARNEY, the Reopening American Capital Markets to Emerging Growth Companies Act, which would help more small and mid-size companies go public. During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. These changes have driven up costs and uncertainty for young companies looking to go public. Not going public deprives companies of the needed capital to expand their businesses, develop innovative products, and hire more American workers.

Title I would create a new category of issuers called emerging growth companies that have less than $1 billion in annual revenues when they register with the SEC and less than $700 million in public float after the IPO. Emerging growth companies will have as many as 5 years, depending on size, to transition to full compliance with a variety of regulations that are expensive and burdensome. This on-ramp status will allow small and mid-size companies the opportunity to save on expensive compliance costs and create the cash needed to successfully grow and create American jobs. It will also make it easier for potential investors to get access to research and company information in advance of an IPO in order to make informed decisions about investing. This is critical for small and medium-sized companies trying to raise capital that have less visibility in the marketplace.

Our bill had tremendous bipartisan support when passed by the Financial Services Committee 2 weeks ago. It's my hope that we can continue to work together as we move this package of bills forward.

Madam Chairman, the JOBS Act will provide companies some valuable tools they need to grow and create jobs. I urge my colleagues to support this bill. Mr. FRANK of Massachusetts.

Madam Chair, preliminarily, I yield myself 15 seconds to say the gentleman from Texas said the American people don't care about this intrigue. Then why do we have to do it? Why do we have to include it? Why do they engage in it? Why didn't they just leave the bill with the sponsors? So apparently they cared enough to play that double-game.

I now yield 3 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman.

I rise to support H.R. 3606, which would help start-ups and small businesses succeed and create jobs during this economic recovery.

I want to really congratulate and thank the ranking member for his leadership, along with the administration, during the worst recession after the Great Depression.

Christina Romer testified before this Congress that the economic shocks to our economy were three times greater than the Great Depression. We were shedding over 700,000 jobs a month when the President took office.

In a report by Chairman Bernanke, he showed a chart where we are digging ourselves out under his leadership. We have gained 3.7 million private sector jobs. This is an important step forward.

The financial reform bill that Ranking Member HARRY FRANK—"we're going to miss you, BARNEY. You did a great job, and we all owe you a debt of gratitude for your leadership during this time."

But what we need now is a real jobs bill, not just a tweaking around the corners with a few words and a few changes in the securities law. What we should be debating today, which would have a huge impact on jobs, is the transportation bill or the President's American Jobs Act, which would create more than a half million jobs and move us forward.

This particular bill, the package is important, but it is not a comprehensive jobs bill or agenda which we need. There are some modest steps forward, but they are no substitute for a major job-creating highway bill or a passage of full American Jobs Act.

These bills make only very modest changes for start-up companies, making it easier for them to raise capital through the Internet and the solicitation of accredited investors, and loosening certain filing and regulatory requirements for start-ups and small banks.

I support it, but it does not really do a great deal to create more jobs, which we need.

I must say that I have cosponsored parts of it, and all four of them have already passed this body overwhelmingly with over 300 votes. And I'd like to note that the administration supports the passage of this act, as Congress clearly has already done.

Mr. CARNEY in speaking in support of my colleagues, Mr. HIMES and Mr. SCHWEIKERT, on the committee. They championed the provision of the bill that raises the shareholder threshold for having to register with the SEC, and this title passed this body on its own already by a 420–2 margin. That's quite an achievement for them.

But by putting another person's name on it, we have a clear example of the majority more interested in scoring points than in working in a bipartisan way for job development. I will place in the RECORD further comments on these bills and their importance and my work with Mr. MCHenry on crowdfunding.

SUMMARY OF HR 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

TITLE I "REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011" (HR 3606, CARNEY–FINCHER)

HR 3606 creates an expanded on-ramp for newly public companies by exempting a new category "emerging growth companies" (companies with less than $1 billion in revenues or $700 million in public float) for up to five years from a variety of securities law requirements, including: say-on-pay votes; executive compensation reporting; requirements to provide 3-years of audited financial statements; SOx section 404(b) auditing of internal controls over financial reporting; and any future auditor rotation or other auditor requirements. HR 3606 also eases restrictions on communications and research related to an IPO. HR 3606 passed the Financial Services Committee by a vote of 54–1 on 2/16/12, has not previously come to the floor action.

TITLE II, "ACCESS TO CAPITAL FOR JOB CREATORS ACT" (HR 3606, CARNEY–FINCHER)

HR 2940 amends section 4(d) of the Securities Act of 1933 to permit use of public solicitation in connection with private securities offerings. The bill provides that the underwriter verifies that all purchasers of the securities are accredited investors. In addition,
The SEC would have to share offering materials and documentation with the states. HR 2940 passed the House 413–11 on 11/3/11.

**Title III** “Entrepreneur Access to Capital ACT” (HR 2930, SCHWEIKERT)

HR 2930 partially excluded from registration under the Securities Act of 1933 for “crowdfunding” securities. HR 2930 permits a company to raise up to $2 million a year, with the added incentive to invest the lesser of $10,000 or 10% of his or her income annually in such companies. HR 2930 pre-empts the state regulators’ registration authority for the exempt securities, but websites and issuers must register with and provide notice to the SEC, which would be shared with the states. HR 2930 passed House 407–17 on 11/3/11.

**Title IV** “Small Company Capital Formation Act of 2011” (HR 1967, SCHWEIKERT)

HR 1967 creates a new exemption from registration for Regulation A (“Reg A”) security offerings for smaller issuers. The current limit is $5 million and the new limit is $50 million for its use. HR 1967 amends the definition of a shareholder to the SEC, which would be shared with the states. HR 1967 passed House 417–9 on 11/1/11.

**Title V** “Private Company Flexibility and Formation Act of 2011” (HR 1070, SCHWEIKERT)

HR 1070 requires the Securities and Exchange Commission (SEC) to create a new and larger exemption, effectively raising the limit from $5 million to $50 million for its use. HR 1070 passed House 421–1 on 11/2/11.

**Title VI** “Capital Expansion” (HR 4088, GARRETT)

HR 4088 is identical to House-passed HR 1965 (Himes) except that HR 4088 removes a cost-benefit analysis study on raising the shareholder threshold triggering public reporting for all companies from 500 to 1000 shareholders, and by excluding employees from the definition of a shareholder. HR 2167 passed the Financial Services Committee on voice vote 10/26/11, but has not previously come to the floor.

**Title VII** “Capital Expansion” (HR 1240)

HR 1240 creates a new exemption from registration under the JOBS Act, and would re-bill HR 1967, HR 1070, and HR 2167. HR 1240 passed the House 420–2 on 11/2/11.

Mr. HENSARLING. Mr. Garret and, certainly, Ranking Gentleman from Texas, having been part of the leadership that engaged in that shameful maneuver, to now accuse us of being excessively concerned with credit is the most hypocritical and dishonest statement I have heard uttered in this House. The SPEAKER pro tempore. The Chair finds that the remarks constitute a personality directed toward an identifiable Member. Without objection, the offending words are stricken from the RECORD. There was no objection.

The SPEAKER pro tempore. The Committee will resume its sitting.

The gentleman from Texas (Mr. QUAYLE) rose to a point of order. The Acting CHAIR (Ms. FOXX). The Acting CHAIR. Without objection, the offending words are stricken from the RECORD.
Last year, I worked with Representative MCHENRY to add critical investor protection provisions to this crowdfunding bill, which previously passed the House and is now included in this package. I was also pleased to support the proposal from Representative SCHWEIKERT to allow companies to raise more funds through the Regulation A process and another provision to raise minimum shareholder thresholds at which companies must register their securities with the SEC.

On the title of this bill, which deals with the emerging growth companies, the IPOs, I support the goal of this legislation, and I hope that many of the amendments offered today on this title are accepted, including my own, which is dealing with the provision of research. Again, I am supportive of this legislation, but I think that more investor protection provisions are needed.

Why did we work together to get this legislation passed?

We worked from both sides of the aisle because we are all concerned about job creation and access to capital. Through a recession in this country, starting with the loans that were made in the subprime market in 2003 to 2007, we almost reached a depression, and we destroyed the housing industry in this country. So we are all working to try and not only get the housing industry revitalized, but we are also working to make sure that our small businesses have access to capital and, thus, job creation.

I am very pleased that we were able to work together on this legislation despite the fact that what Mr. FRANK brought to our attention today is the kind of effort that could interfere with attempts to have bipartisanship on some of these legislative attempts that we have made. What Congressman FRANK brought to our attention was that title VI of the bill, a provision that was drafted by Representative Himes, with the support of Republicans, seems to have been bare minimally and rebranded as a Representative Quayle bill.

While I support the provision, I think that taking Mr. Himes’ work product undermines the spirit of bipartisanship and the cooperation that was otherwise demonstrated by this bill.

Do I like every one of these bills 100 percent? No, I don’t. I have some concerns and I have some questions. I even have some uncertainty when we talk about crowdfunding. I want to make sure that we’re protecting the investors. I want to make sure that the proper research is isolated from the underwriters who have connections to those people that they’re writing the bills for.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. I yield myself an additional 30 seconds.

To sum up this bill, it will make it just a bit easier for some companies to raise funds in our capital markets, enabling them to grow their businesses. But make no mistake, I believe that this Congress still needs to do more on jobs. In addition to these legislative changes that enable capital formation, we need to keep teachers, police officers, and firefighters on the job; extend unemployment insurance for laid-off workers; and revitalize neighborhoods devastated by foreclosures.

A truly comprehensive approach is needed to get Americans working again. That’s why I’m going to vote for it on these issues.

I reserve the balance of my time.

Mr. HENSARLING. I yield myself 10 seconds just to say the gentlelady alluded to the gentleman from Massachusetts for bringing something to our attention. What he brought to our attention is that he violated House rules and is prohibited from speaking the rest of the day when the rest of the Chamber wishes to promote jobs for the American people.

At this time, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I want to thank my good friend from Texas for yielding me the time.

As a small-business owner, I understand firsthand what small businesses are facing today when they try to meet a payroll or a budget, try to expand their business, or try to hire an extra worker.

My small business employs just about 100 people. For me, that’s 100 families. It’s a responsibility that I take very seriously.

All across our country, we’ve got 29 million small businesses throughout our Nation. We should be doing everything we can, everything within our power to create an environment that enables those small businesses to hire more workers. That’s why I’m pleased today to stand up and voice my support for this bipartisan JOBS Act on the floor today.

Many of the bills in this package passed the House with over 400 votes each. Today, we hear a lot about gridlock; we hear a lot about partisanship. These are bipartisan bills. What we had are 400 bills, 400 votes here in the United States Congress that were sent over to the United States Senate without action. I’m glad that we’re able to package them today to have another crack at that.

These measures were introduced by Republicans and Democrats and are aimed at allowing small businesses to gain access to capital. This is exactly the type of legislation that the United States Senate should be passing and that the President should sign into law.

This week we’re sending another message to the United States Senate, and we urge them to take action on these important matters.

These are bipartisan bills. Our small businesses and hardworking families don’t have the luxury of waiting for gridlock in Washington to end, specifically in the United States Senate. We sent 30 jobs bills from this body over to the United States Senate without any action. So it’s time that I ask that the Senate join the House and work together. It’s time I think we can all agree on in empowering our small-business owners and job creators.

I believe that bipartisanship is extremely important; and when we find common ground, we must act. That’s why it’s critical that we empower our job creators and small-business owners to spur our economy and get America back to work.

The JOBS Act is an example of how we can put people before politics and progress before partnership, which is why I am delighted to be able to support this bill and thank my colleagues, Mr. CARNEY, and my friend, Mr. FINCHER.

Ms. WATERS. Madam Chair, I yield 3 minutes to the minority whip, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentlelady for yielding and, I rise in strong support of these six pieces of legislation which have been put together and called a jobs bill.

I think they have a positive effect on economic growth in our country. I think they are good bills. I particularly support the Himes bill, currently called the Quayle bill; but I’m pleased to support it by whoever’s name it might have on it.

Four out of the six components of this legislation have been previously passed overwhelmingly. This is a recycle, but doing a good thing twice is not bad. So I’m going to vote for it, and I’m going to be enthusiastic about voting for it. As a matter of fact, I suggested a number of these ideas on the floor of the House.

This bill makes it easier for small businesses to go public and raise the capital they need to expand and hire new workers by reducing regulatory burdens. It also raises the SEC registration thresholds for community banks, which will free up bank capital for lending to small businesses and individuals. That’s an important step we ought to be taking.

A number of my Democratic colleagues worked hard on these six pieces of legislation, including, as I said earlier, Representative JAMES Himes of Connecticut, who introduced one of these bills months and months and months ago, and it passed 420-2 in this body. He has been a leader on this issue of small business access to capital, and I congratulate him for his efforts.

I’m glad the Republican leadership is bringing this bill to the floor, and I hope it signals a new willingness to work with us to create jobs.

This bill is called a JOBS bill. Catchy title. I sort of refer to it as the “just old bills” bill, but they are good bills. As I said, we’re doing a good thing.
twice in hoping the Senate will pass it; and I hope the Senate does pass all of these bills and this bill as a package.

But make no mistake about it, Madam Chair—and America should make no doubt about it—this is not the jobs bill America needs, one with tweaking of the edge and pre-supposing that we’ve put something together that’s going to create a significant number of jobs. This will help and in the longer term it will create jobs. I’m for it, I think it’s a positive step forward. But make no mistake about it, this is not the jobs bill that the President asked for. This is not the jobs bill that America needs. This is not the jobs bill that millions who are unemployed and can’t find employment are crying out for in America.

America needs a comprehensive jobs plan to help get the millions who have lost jobs and are still looking for work. This bill alone simply is not enough. We must do more. And I will tell my friends who say that this is my friend—from Texas, I prepared to work with him on a real jobs bill. This is a real jobs bill, but you and I both know it’s a small-bore jobs bill. That doesn’t make it bad. It doesn’t mean that we should all stand back and say we’re not going to do anything. But make no mistake, this is not the jobs bill that America’s entrepreneurs need. So we do this by chipping away at the albatross of regulations that have strangled and held back the IPO market since the passage of the Sarbanes-Oxley law. This is an opportunity for America’s entrepreneurs with access to the capital that they need to basically go after and seek their dreams. It provides the venture capital investors with the exit strategy they need to help make their dreams a reality and create a welcoming environment.

With that, I believe the JOBS Act is a commonsense bill, and I will support the legislation before us.

Ms. WATERS. Madam Chair, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

I actually rise with some significant concerns about the IPO on-ramp provisions of the bill. I’m concerned because there already is exempted from the Sarbanes-Oxley compliance requirements about 60 percent of the IPOs that we see, and this would extend the period in which companies have the requirement of complying with Sarbanes-Oxley to 5 years for companies that exceed that $75 million and go up to $1 billion in revenues. My concern about that is that’s a period of time in which a lot of mischief can be done when it comes to financial fraud, and I think that’s a risk to investor to significant potential damage. My hope would be that this could have been remedied along the way. Because of my concerns about it, I’m going to be compelled to vote against the bill because I think it really has the effect of gutting significant investor protections.

Ms. WATERS. Madam Chair, I yield 3 minutes to the gentleman from Connecticut (Mr. Himes).

Mr. Himes. Madam Chair, I rise today very excited about what we are about to do on this floor. As has been said over the course of many hours, we are about to pass legislation that will be good for the core strength of this country, for our entrepreneurs, for our small banks that we trust to provide credit in our communities. This is a good bill.

I’m sorry it has been marred by a couple of things that we have been the target of much discussion today. I’m sorry that the Republican majority has used this debate as an opportunity to promote the canard—not my word, Bruce Bartlett’s word, which I think means “baloney”—that the main problem with our economy today is regulation. Bruce Bartlett, conservative economist and former adviser to President Reagan said:

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. We have an obligation to make sure that our regulation is good, that it keeps us safe, that it keeps our air clean, that it keeps our banks alive without quashing the entrepreneurial and economic vitality. We should do that every day.

But what we have heard, the ideology, this notion that regulation is the problem we need to eliminate is just what Bruce Bartlett called it, a canard.

And I’m sorry that this bill has been spoiled by the antics of the Republican majority. I’m thrilled that this bill includes HR.6, the JOBS Act because at the end of the day—I mentioned Reagan—Reagan said you’d get a lot done in Washington, DC, if you didn’t care who gets the credit. There may be only one way to spell “potato,” but there are a lot of ways to skin a cat. And if we’re going to skin this cat this way, I’m okay with that, because small banks need the flexibility to go public when they should go public; because we should, for those companies that want to go public, provide them with some relief from the regulations that might be more appropriate for larger companies. All of these things, though we have passed many of these measures on the floor, are important.

And so, marred though it has been by the antics of the Republican majority, this is fundamentally a bipartisan, good bill, and it is a rare step forward for this House of Representatives, something that I think will cause every American to say they can get something done. And for that I’m grateful and urge the passage of this bill.

Mr. HENSARLING. Madam Chair, I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise today in support of the bipartisan JOBS Act, and I thank Chairman BACHUS for his leadership in putting the Financial Services Committee at the forefront of the effort to advance job-creating policies in this House.

After recently touring Virginia’s Fifth District, I am freshly reminded
that Federal Government overregulation continues to stand in the way of the lifeblood of our economy, our small family businesses, our Main Street banks, and our family farms.

Across the Fifth District, I regularly hear from businesses that the many laws and regulations have served as a barrier to existing family businesses who wish to hire and expand their companies and as a barrier to aspiring Fifth District entrepreneurs who are discouraged from investing in new start-ups.

Our committee has worked to offer solutions that would give citizens across this country the ability to harness the American Dream by starting a new business, working to make that business successful, and working to create the jobs Americans desperately need.

The JOBS Act represents a legislative package that has support from Members of Congress on both sides of the aisle and from the President. This legislation collectively reduces burdens that prevent small businesses from accessing the capital necessary to hire and expand, and it encourages our entrepreneurs to get their start-ups off the ground. This legislation represents an opportunity for Congress and the President to work together to advance legislation for the good of the American people.

Small family businesses and family farms are the backbone of our economy in central and southside Virginia; and as we work to grow our economy and spur job creation, it is critical that we adopt legislation like the JOBS Act to make it easier for them to succeed, not harder. We must act now to put the American people back to work and sustain the American Dream for our children and our grandchildren.

I urge my colleagues to support this legislation.

Ms. WATERS. Madam Chair, I yield myself 2 minutes.

To the Members of this House and to those who are listening to this debate, you've heard this described as a jobs bill. In my earlier remarks, I, too, described this as a jobs bill. You've heard us talk about job creation, access to capital, ways by which we can support small businesses in general but IPOs in particular. You heard us talk about growing our economy and spur job creation, it is critical that we adopt legislation like the JOBS Act to make it easier for them to succeed, not harder. We must act now to put the American people back to work and sustain the American Dream for our children and our grandchildren.

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why should community banks, why should we raise their shareholder limit to 2,000? We actually had some community banks come to us and say, look, we’ve been around here many, many, many, many years. We have legacy stockholders who own company stock that $500 share but because of our long history, we can no longer raise the capital, the equity capital that’s necessary. And that’s why that concept is so important, raising that to 2,000 shareholders.

Mr. HENSARLING. I yield myself as much time as I may consume.

Madam Chair, again, jobs and growing the economy is what our constituents care about. Again, we are unfortunately and regrettably in the midst of the slowest and weakest recovery in the postwar era. And, in fact, many of my constituents, they don’t feel the recovery. They don’t see it. They still know many of their friends, neighbors, and family members remain unemployed. That’s why the number one priority of House Republicans has been to grow this economy and create more jobs. That is why House Republicans have a plan for America’s job creators.

Now, Madam Chair, it’s very difficult, it’s very difficult, to find common ground in this institution, as we all know. Regrettably, the vast majority of these bills are stacked up like cordwood in the United States Senate. They won’t take them up. We’ve tried many of the President’s ideas. For 2 years we tried every single one of his ideas. We tried the stimulus program, which helped stimulate the national debt to the level it is today. We tried the President’s health care plan that we were told would help grow jobs and the economy. Dodd-Frank, our financial institutions—the big get bigger, the slowest and weakest recovery in the postwar era. And, in fact, many of my constituents, they don’t feel the recovery. Again, we are unfortunately and regrettably in the midst of the slowest and weakest recovery in the postwar era. And, in fact, many of my constituents, they don’t feel the recovery.

But we also know, and the American people understand that entrepreneurship is at a record low, that it’s actually at a 17-year low in the United States. We know that small businesses create the majority of new jobs in our country and have done so for generations. We also know that we have record unemployment. We’ve had 8 percent unemployment for a record 36 months at that very high level. It’s not acceptable. We have to do something.

Now, we cannot fix everything in one piece of legislation. This idea that you can have just simply a large bill that fixes all the problems in the world simply is not in accordance with American history or what the American people want and desire.

But we also know, and the American people understand, especially small business folks and entrepreneurs understand, that red tape gets in the way. That is at the heart of what this JOBS Act is about. This is what the legislation is about.

Mr. MCENRY. Madam Chairman, I want to thank my colleague, Mr. HENSARLING, for his leadership on the Financial Services Committee, and I want to thank my colleague, Mr. FINCHER, for offering the legislation before us today.

The American people understand that entrepreneurship is at a record low, that it’s actually at a 17-year low in the United States. We know that small businesses create the majority of new jobs in our country and have done so for generations. We also know that we have record unemployment. We’ve had 8 percent unemployment for a record 36 months at that very high level. It’s not acceptable. We have to do something.

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We also see that we have regulations and laws written in 1933 and 1934 in an era when the telephone was the new technology of the day.

We need to update those regulations. That is at the heart of what this JOBS Act does. It doesn’t simply say about debt financing; it says on the equity side that you can go around the red tape and actually allow the average, everyday investor access to the capital markets and the new, great ideas of the future.

This is what the legislation is about. I urge my colleagues to vote for it, and I ask my colleagues to move forward on this, especially in the Senate. Mr. HENSARLING. Mr. Chairman, might I inquire how much time I have remaining.

The Acting CHAIR (Mr. YODER). The gentleman from Texas has exactly 1 minute remaining.

Mr. HENSARLING. In that case, Mr. Chairman, I’m happy to yield exactly that 1 minute to the prime author of the JOBS Act, the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I want to thank the gentleman from Texas for yielding.

I want to urge my colleagues on the other side of the aisle that jobs aren’t Democrat or Republican; they’re American. People are begging for Congress to get out of the way and let the private sector get back in the business of creating jobs. That’s what we’re doing with this jobs bill that we’re pushing through.

So hopefully, hopefully, we can get beyond some feelings—hurt feelings maybe—and let’s focus back on the reason why we were sent up here, and that is to put the people back in power and not Washington.

Mr. FITZPATRICK. Mr. Chair, I rise today in support of the JOBS Act. This bill is a package designed to jumpstart our economy and restore opportunities for our small-business job creators.

It represents a combination of several job creation measures aimed at increasing capital formation, spurring the growth of startups and small businesses, and paving the way for more small-scale businesses to go public and create more jobs.

The JOBS Act will provide certainty to small business owners and entrepreneurs in terms of access to capital and the federal regulatory environment. Because without access to capital, businesses cannot expand, and without regulatory certainty, capital disappears.

Dr. Tim Block is the President of the Pennsylvania Biotechnology Center in my home of Bucks County. He had this to say when I shared the JOBS Act with him this afternoon:

“We appreciate the support for nurturing entrepreneurial development and investment. Innovation is going to drive the future of the economy in southeast Pennsylvania and around the United States. Capital is the life-blood that sustains these dynamic entrepreneurs who are harnessing innovation to create new companies and new jobs.”

Mr. Chair, it is risk-takers like Tim and the companies he works with that hold the keys to a lasting recovery and a strong American economy if we only give them the tools they need.

Most of this Act enjoys overwhelming bipartisan support in the House, as well as from the President and successful entrepreneurs such as Steve Case, of the President’s Council on Jobs and Economic Competitiveness.

In addition to parts of this bill, I have joined my colleagues in the House since last January in sending over 30 pro-growth jobs bills to the Senate for their consideration and they have piled up there like cordwood. If we are going to support a real lasting economic recovery, I am urging the Senate to immediately take up and pass the JOBS Act, which I expect to receive widespread support tomorrow.
as well as the other measures that have passed the House with bipartisan support.

Mr. DINGELL. Mr. Chair, I rise in opposition to H.R. 3606, the JOBS Act. This unfortunate amalgam of bad ideas is being sold to us as an easy way to create jobs and help small businesses. I fully support both causes, but passing H.R. 3606 is not the way to see them to fruition.

The JOBS Act takes as its premise the tired rhetoric that deregulation naturally will lead to business growth and job creation. The bill contains amendments to H.R. 1070, H.R. 1070, H.R. 1070, and H.R. 2930, and H.R. 2940, which the House passed in November of last year. I am the only Member of this body to have voted against all four, and my conviction in their potential to facilitate investor fraud and abuse remains strong. Simply put, increasing the amount of capital a company may raise and the number of shareholders it may have before registering with the Securities Exchange Commission (SEC), carving out registration requirements for crowdfunding in the Securities Act, and removing the long-standing prohibition on public solicitation in the sale of unregistered stock offerings will create more risk than reward. Mark my words: Investors will be swindled, and great sums of money will be lost, all because of the dubious assumption that deregulation stimulates economic growth.

As if this were not bad enough, H.R. 3606 goes one step further to allow all but the very largest new companies up to five years to raise money from the public without having to assess the adequacy of their own internal controls. The Sarbanes-Oxley Act requires this for good reason: to protect investors, promote the highest quality financial reporting, and thereby create lower costs of capital for companies.

We have just survived the greatest shock to the Nation’s financial services sector since the Great Depression. Regulation subsequent to 1929 created decades of stability and prosperity. The gradual erosion of the laws and regulations put in place in the aftermath of the Great Depression ultimately caused the crash in 2008, which cost this country millions of jobs and wiped out trillions of dollars in our constituents’ collective net worth. Now is not the time to deregulate.

If my colleagues wish to create jobs, I suggest we consider investing in improving our country’s crumbling infrastructure, supporting research and development with grants and low-interest loans, and assuring our citizens have the education they need to compete in the future. Exposing American investors to all manner of fraud and rascality will create miseries instead of jobs.

Vote down H.R. 3606.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–17 is adopted and the bill, as amended, shall be considered as a substitute original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

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

H.R. 3606
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 “Jumpstart Our Business Startups Act”.

SEC. 2. TABLE OF CONTENTS.
The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES
Sec. 101. Definitions.
Sec. 102. Disclosure obligations.
Sec. 103. Internal controls audit.
Sec. 104. Auditing standards.
Sec. 105. Availability of information about emerging growth companies.
Sec. 106. Other matters.
Sec. 107. Opt-in right for emerging growth companies.
Sec. 108. Review of Regulation S-K.

TITLE II—ACCESS TO CAPITAL FOR JOB CREATORS
Sec. 201. Modification of exemption.

TITLE III—ENTREPRENEUR ACCESS TO CAPITAL
Sec. 301. Crowdfunding exemption.
Sec. 302. Exclusion of crowdfunding investors from safe harbor.
Sec. 303. Premption of State law.

TITLE IV—SMALL COMPANY CAPITAL FORMATION
Sec. 401. Authority to exempt certain securities.
Sec. 402. Study on the impact of State Blue Sky laws on Regulation A offerings.

TITLE V—PRIVATE COMPANY FLEXIBILITY AND GROWTH
Sec. 501. Threshold for registration.
Sec. 502. Employees.
Sec. 503. Commission rulemaking.

TITLE VI—CAPITAL EXPANSION FOR FIRM FORMATION
Sec. 602. Rulemaking.

SEC. 3. SECURITIES ACT OF 1933.
(1) by redesignating paragraph (77), as added by section 541 of the Investor Protection and Securities Reform Act of 2010, as paragraph (77); and
(2) by adding at the end the following:

“(80) The term ‘emerging growth company’ means an issuer that had total annual gross revenues of less than $1,000,000,000 during its recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of less than $1,000,000,000; or

“(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933;

“(C) the date on which such issuer is determined to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations, or any successor thereto.”;

(3) by adding at the end the following:

“(A) in general.—An emerging growth company shall be exempt from the requirements of subsections (a) and (b).

“(1) COMPENSATION.—The term ‘compensation’ means an issuer that had total annual gross revenues of less than $1,000,000,000 during its most recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of $1,000,000,000 or more;

“(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under this title; or

“(C) the first day following the date on which such issuer is deemed to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations, or any successor thereto.

“(B) in the case of an issuer that is an emerging growth company for less than 2 years after the date of first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933, the 3-year period beginning on such date; and

“(C) in the case of any other issuer, the 1-year period beginning on the date the issuer is no longer an emerging growth company.”;

“(3) COMPLIANCE AFTER TERMINATION OF EMERGING GROWTH COMPANY TREATMENT.—An issuer that was an emerging growth company but is no longer an emerging growth company shall include the first separate resolution described under subsection (a)(1), not later than the end of—

“(A) the fiscal year in which such issuer is deemed to be an ‘emerging growth company’;

“(B) the fiscal year in which such issuer is deemed to be an ‘emerging growth company’ following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933, the 3-year period beginning on such date; and

“(C) in the case of any other issuer, the 1-year period beginning on the date the issuer is no longer an emerging growth company.”;

“(4) EFFECTIVE DATE.—Notwithstanding subsection (a)(19) of the Securities Act of 1933 and section 3(a)(80) of the Securities Exchange Act of 1934, an issuer shall not be an emerging growth company for purposes of such Acts if the first sale of common equity securities of such issuer pursuant to an effective registration statement under the Securities Act of 1933 occurred on or before December 8, 2011.

SEC. 4. SECURITIES EXCHANGE ACT OF 1934.
(1) SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

“(A) by redesignating paragraph (77), as added by section 541 of the Investor Protection and Securities Reform Act of 2010, as paragraph (77); and
(2) by adding at the end the following:

“(80) The term ‘emerging growth company’ means an issuer that had total annual gross revenues of less than $1,000,000,000 during its recently completed fiscal year. An issuer that is an emerging growth company as of the first day of that fiscal year shall continue to be deemed an emerging growth company until the earliest of—

“(A) the last day of the fiscal year of the issuer during which it had total annual gross revenues of less than $1,000,000,000; or

“(B) the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933; or

“(C) the date on which such issuer is determined to be a ‘large accelerated filer’, as defined in section 240.12b-2 of title 17, Code of Federal Regulations, or any successor thereto.”;

(3) COMPLIANCE DISCLOSURES.—Section 941(a) of the Investor Protection and Securities Reform Act of 2010 (Public Law 111–203; 124 Stat. 915) is amended by inserting “, for any issuer other than an emerging growth company,” after “inching—”;}
(1) SECURITIES ACT OF 1933.—Section 7(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended—

(a) by striking “(a) The registration” and inserting in its place “(a) Draft registration statements,” in order for the registration statement of such emerging growth company with respect to an initial public offering of its securities to be effective, and in any other registration statement to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations, for any period prior to the earliest audited period presented in connection with its initial public offering; and

(b) may not be required to comply with any new or revised financial accounting standard until such date that a company that is not an issuer as defined under section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 720(a)) is required to comply with such new or revised accounting standard, if such standard applies to public or non-public issuers.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 13(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a)) is amended by adding at the end the following:

“(a) INFORMATION REQUIRED IN REGISTRATION STATEMENT.—

“(1) IN GENERAL.—The registration,” and

“(2) TREATMENT OF EMERGING GROWTH COMPANIES.—(A) An emerging growth company—

“(i) need not present more than 2 years of audited financial statements in order for the registration statement of such emerging growth company with respect to an initial public offering of its securities to be effective, and in any other registration statement to be filed with the Commission, an emerging growth company need not present selected financial data in accordance with section 229.301 of title 17, Code of Federal Regulations, for any period prior to the earliest audited period presented in connection with its initial public offering; and

“(B) may not be required to comply with any new or revised financial accounting standard until such date that a company that is not an issuer as defined under section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 720(a)) is required to comply with such new or revised accounting standard, if such standard applies to public or non-public issuers.

(3) SECURITIES ACT OF 1933.—Section 2(a)(3) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended by adding at the end the following:

“The publication or distribution by a broker or dealer of a research report about an emerging growth company that is the subject of a proposed public offering of the common equity securities of such emerging growth company pursuant to a registration statement that the issuer has filed or is required to file, subject to the requirement of subsection (b), is not an offer to sell, or the solicitation of an offer to buy, the securities of the issuer. As used in this paragraph, the term ‘broker’ means any person who effectuates, with respect to the securities of an emerging growth company, either—

(a) restricting, based on functional role, which associated persons of a broker, dealer, or member of a securities association, may arrange for communications between a securities analyst and a potential investor; or

(b) requiring, by contract, agreement, or other arrangement, that the securities association of the emerging growth company whose functional role is other than as a securities analyst, may arrange for communications between a securities analyst and a potential investor; or

(c) EXPANDING PERMISSIBLE COMMUNICATIONS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended—

(1) by redesignating subsection (c) as subsection (e); and

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

“(d) LIMITATION.—Notwithstanding any other provision of this section, an emerging growth company or any person authorized to act on behalf of an emerging growth company may engage in oral or written communications with potential investors that are qualified institutional buyers or institutions that are accredited investors, as such terms are respectively defined in section 4(a)(1) of the Securities Act of 1933 (15 U.S.C. 77d(a)), Code of Federal Regulations, or any successor thereto, by disclosing the same information as any issuer with a market value of outstanding voting and nonvoting common equity held by non-affiliates of less than $75,000,000.
title, an emerging growth company may choose to forgo such exemption and instead comply with the requirements that apply to an issuer that is not an emerging growth company.

(9) On this exemption—

Nothing in section 7(a)(2)(B) of the Securities Act of 1933 and section 13(a)(1) of the Securities Exchange Act of 1934, as added by section 10(b), if an emerging growth company is required to comply with such standards to the same extent that a non-emerging growth company is required to comply with such standards, the emerging growth company—

(1) shall not be required to obtain an independent audit of internal control over financial reporting pursuant to section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 724A); and

(2) may delay its compliance with new or revised standards of the Public Company Accounting Oversight Board issued under this subchapter and financial reporting standards under this chapter and section 13(a) of the Securities Exchange Act of 1934 and notify the Securities and Exchange Commission of such choice;

(2) may not select any standards to comply with in such manner and not others, but must comply with all such standards to the same extent that a non-emerging growth company is required to comply with such standards and continue to comply with such standards for as long as the company remains an emerging growth company.

SEC. 108. REVIEW OF REGULATION S-K.

(a) REVIEW.—The Securities and Exchange Commission shall conduct a review of its Regulation S-K (17 C.F.R. 229.10 et seq.) to—

(1) comprehensively analyze the current registration requirements of such regulation; and

(2) determine how such requirements can be updated to modernize and simplify the registration process and reduce the costs and other burdens associated with these requirements for issuers who are emerging growth companies.

(b) REPORT.—Not later than 180 days after the date of enactment of this title, the Commission shall submit to Congress a report of the review conducted under subsection (a). The report shall include the specific recommendations of the Commission on how to streamline the registration process in order to make it more efficient and less burdensome for the Commission and for prospective issuers who are emerging growth companies.

TITLE II—ACCESS TO CAPITAL FOR JOB CREATORS

SEC. 201. MODIFICATION OF EXEMPTION.

(a) REMOVAL OF RESTRICTION.—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)) is amended by inserting after subsection (b) the following:

"(c) The Commission may determine appropriate by rule or regulation—

(1) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

(2) the restriction on sales requirement described in section 4(6), a person acting as an intermediary between the issuer and the investor in reliance on this exemption within the previous 12-month period does not exceed the lesser of—

(i) $10,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less; or

(ii) if the issuer provides potential investors with audited financial statements, $2,000,000, as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, or less;

(b) REQUIREMENTS ON INTERMEDIARIES.—Not later than March 7, 2012, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of this title, to provide for—

(1) comprehensive analysis of the current regulation and the effects of such regulation; and

(2) notice on completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

(3) make available to the investor a notice of completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

(4) does not offer investment advice.

(b) REQUIREMENTS ON ISSUERS IF NO INTERMEDIARY.—For purposes of section 4(6), an issuer who offers or sells securities without an intermediary shall comply with the requirements of this subsection if the issuer—

(1) warns investors, including on the issuer’s website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers; and

(2) an understanding of the risk of illiquidity; and

(c) such other areas as the Commission may determine appropriate by rule or regulation;

(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;

(4) provides the Commission with continuous investor-level access to the issuer’s website;

(5) requires the Commission with the intermediary’s website used for the offer and sale of such securities, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;

(6) requires each potential investor to answer questions demonstrating—

(A) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

(B) an understanding of the risk of illiquidity; and

(c) such other areas as the Commission may determine appropriate by rule or regulation;

(7) requires the issuer to state a target offering amount and a deadline to reach the target offering amount and ensure the third party custodian described in section 4(6), a person acting as an intermediary between the issuer and the investor in reliance on this exemption within the previous 12-month period does not exceed the lesser of—

(8) provides the Commission and potential investors with notice of the offering, not later than the first day securities are offered by other than the issuer is no less than 60 percent of the target offering amount;

(9) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and

(10) makes available to the investor a notice of completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and
SEC. 401. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking ''(b) The Commission'' and inserting the following:

''(b) ADDITIONAL EXEMPTIONS.—''

(1) SMALL ISSUES EXEMPTED AUTHORITY:—

The Commission shall be authorized to issue rules or regulations which, if applicable to a transaction described under section 4(6), shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).''

(b) by adding at the end the following:

''(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation establish a class of securities which an intermediary shall not be eligible to utilize the exemption under section 4(6) in connection with such securities, transactions, or any other person or entity using the exemption from registration provided by section 4(6) of such Act.

(2) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation established under paragraph (1), the definition of "issuer," or custodian.

(i) a security held of record by an employee, as defined under section 4(5) of the Securities Act of 1933 (15 U.S.C. 77c(5)) of the issuer, or custodian.

(ii) a security held of record by an employee of an issuer, or custodian, pursuant to any plan (as defined under section 401(k) of the Internal Revenue Code of 1986 (26 U.S.C. 401(k))) of the issuer, or custodian.

(iii) a security held of record by a person or entity in an issuer, or custodian's retirement plan.

(iv) a security held of record by an employee of an issuer, or custodian, who is a member of a terminated pension plan.

(3) ADJUSTMENT.—Not later than 5 years after the date of enactment of the Small Company Capital Formation Act of 2011 and 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate.

SEC. 402. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

The Comptroller General shall conduct a study on the impact of State laws regulating securities offerings, or "Blue Sky laws", on offerings made under Regulation A (17 C.F.R. 230.251 et seq.) of the Securities Act of 1933 (15 U.S.C. 77a et seq.) and shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate on its findings to the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the date of enactment of this Act.

TITLE V—PRIVATE COMPANY FLEXIBILITY AND GROWTH

SEC. 501. THRESHOLD FOR REGISTRATION.


(a) IN GENERAL.—Section 12(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(g)(1)(A)) is amended to read as follows:

"(A) within 120 days after the last day of its first fiscal year ended after the date of enactment, the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by 1,000 persons, and".

(b) EMPLOYEE.

Section 12(g)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(g)(3)) is amended by adding at the end the following: "For purposes of determining whether an issuer is required to register a security under this Act pursuant to paragraph (1), the definition of 'held of record' shall not include securities held by persons who received the securities pursuant to an employee compensation plan in transactions exempted from the registration requirements of section 5 of the Securities Act of 1933."
 SEC. 503. COMMISSION RULEMAKING.

The Securities and Exchange Commission shall revise the definition of “held of record” pursuant to section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78(o)(5)) to implement the amendment made by section 302. The Commission shall also adopt safe harbor provisions that issuers can follow when determining whether holders of their securities are accredited investors or that holders of their securities received the securities pursuant to an employee compensation plan in transactions that were exempt from registration requirements of section 5 of the Securities Act of 1933.

TITLe VI—CAPITAL EXPANSION

SEC. 601. SHAREHOLDER THRESHOLD FOR REGISTRATION.

(a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.— Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78(o)(5)) is further amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) in the case of an issuer that is a bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on whose total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by 2,000 or more persons,”; and

(2) by striking “three hundred” and inserting “300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200 persons”.

(b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking “three hundred” and inserting “300 persons, or, in the case of a bank or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200 persons”.

SEC. 602. RULEMAKING.

Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall issue final regulations to implement this title and the amendments made by this title.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 112–409. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FINCHER

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–409.

Mr. FINCHER. Mr. Chairman, I have an amendment on the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 37, line 3, strike “is amended” and insert the following: “; as amended by section 302, is amended in subparagraph (A)”.

Page 37, beginning on line 18, strike “holders of their securities are accredited investors or that”.

Page 38, line 18, strike “, as such term is defined in section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78(o)(5))” and insert “section 2”.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Tennessee (Mr. FINCHER) and a Member opposed each will control 5 minutes.

The Acting CHAIR. The gentleman from Tennessee (Mr. FINCHER), I rise today, along with the gentleman from Delaware (Mr. CARNEY), to offer a technical amendment to H.R. 3606.

The Acting CHAIR. Without objection, the gentleman from Texas (Mr. HENSARLING), I ask unanimous consent to claim the remainder of my time.

The Acting CHAIR. Without objection, the gentleman from Tennessee and the gentleman from Delaware (Mr. CARNEY) and my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment; although I’m not opposed to the amendment.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MCINTYRE) and a Member opposed each will control 5 minutes.

The Acting CHAIR. The gentleman from North Carolina (Mr. MCINTYRE) and a Member opposed each will control 5 minutes.

The Acting CHAIR. Without objection, the gentleman from Texas (Mr. HENSARLING), I wish to commend, again, the gentleman from Tennessee and the gentleman from Delaware for this amendment that I believe helps improve the underlying amendment with some technical corrections. I would urge all Members to adopt it.

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

Mr. FINCHER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. I thank the gentleman. Being new at this, I think I was supposed to grab that time in opposition, but I don’t oppose this amendment. So I stumped there for a minute.

I rise in support of the technical amendment that’s under consideration at this time and also say that, in the work through the committee, we also had a technical amendment that was adopted by the committee that addressed a number of the concerns that were raised by Ranking Member FRANK and by my good friend from Ohio (Mr. RENacci) consistent with this amendment, that’s under consideration right now.

This is the spirit in which we’ve worked this bill, tried to address concerns that were raised both by interested parties as well as by individual Members. So I rise in support of the amendment.

Mr. FINCHER. Mr. Chairman, with that, I yield back the balance of my time.

The Acting CHAIR (Mr. BISHOP of Utah). The question is on the amendment offered by the gentleman from Tennessee (Mr. FINCHER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCINTYRE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–409.

Mr. MCINTYRE. Mr. Chairman, I rise today in support of my amendment to Jumpstart Our Business Startups Act and would like to speak on the same.

The Acting CHAIR. The gentleman from North Carolina (Mr. MCINTYRE) is now recognized.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MCINTYRE) and a Member opposed each will control 5 minutes.

The text of the amendment is as follows:

Page 2, line 11, insert after ‘’$1,000,000,000’’ the following: ‘’(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)’.

Page 3, line 20, insert after ‘’$1,000,000,000’’ the following: ‘’(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)’.

Page 4, line 3, insert after ‘’$1,000,000,000’’ the following: ‘’(as such amount is indexed for inflation every 5 years by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, setting the threshold to the nearest 1,000,000)’.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from North Carolina (Mr. MCINTYRE) and a Member opposed each will control 5 minutes.

The Acting CHAIR. The gentleman from North Carolina (Mr. MCINTYRE), this important amendment addresses the emerging growth company definition for inflation, resulting in providing more flexibility for businesses.

The Emerging Growth Company definition would ensure that our small businesses and start-ups thrive in our Nation’s challenging economy and continue to create jobs that are so important to our citizens.

As to other parts of the bill, the amount related to regulation flexibility will be adjusted for inflation to take into account increased costs that small companies are currently facing. This will allow for more businesses to be able to enjoy the regulation flexibility and help them start up and grow.

Mr. Chairman, our economy continues to struggle, and many Americans are struggling with dwindling family finances while too many are facing joblessness. And no one knows better that our true security across the Nation need to be able to have relief from burdensome regulations. The small businesses and companies that
are being hit hard by these regulations need relief. It is imperative that we all work together to reduce regulations, to get rid of these onerous regulations on our small businesses and help them continue to create jobs and persevere.

My amendment, which the Congressional Budget Office has scored as having no cost to the Federal Government, reflects the needs and priorities of those small businesses and entrepreneurs across the Nation. By passing it today, we can truly make a difference for American families and businesses. Let’s work together to rebuild our economy and put Americans back to work.

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

Mr. HIMES. I ask unanimous consent. Mr. Chairman, to claim the time in opposition, although I’m not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

Mr. HIMES. Mr. Chairman, I would like to encourage the House to support the amendment offered by the gentleman from North Carolina. I believe it to be straightforward, very simple, very common sense to ensure that there is an inflation adjustment that is applied to the underlying bill.

I think that it’s helpful. I urge, again, all Members to adopt it.

I reserve the balance of my time.

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

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. McINTYRE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–409.

Mr. HIMES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 11, strike “$1,000,000,000” and insert “$750,000,000.”

Page 2, line 18, strike “$1,000,000,000” and insert “$750,000,000.”

Page 2, line 18, add “or” at the end.

Page 3, line 5, strike “”or” and insert a period.

Page 3, strike lines 6 through 9.

Page 3, line 20, strike “$1,000,000,000” and insert “$750,000,000.”

Page 4, line 3, strike “$1,000,000,000” and insert “$750,000,000.”

Page 4, line 1, add “or” at the end.

Page 4, line 8, strike “”or” and insert a period.

Page 4, strike lines 9 through 12.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. This bill that we are discussing today creates an exemption which, for emerging growth companies, would lift some of the more burdensome requirements that are perhaps more appropriate for larger, more established companies.

Now, the question naturally arises, how should we define an emerging growth company? Currently, the bill specifies that a company with revenues at or in excess of $1 billion would not qualify, meaning revenues less than that, and you could qualify to be an emerging growth company.

My amendment, Mr. Chairman, and my belief is that this is far too expansive a definition of emerging growth companies. It’s not just my belief. We heard from Mr. LeBlanc which we held on this bill from Mr. LeBlanc that something more like $250 million to $500 million in revenues would be appropriate. I offered in committee the notion similar to this amendment that we make the cap $750 million in revenues.

The Council of Institutional Investors has sent a letter to our leadership expressing the same concern about the billion dollar revenue number. And I would just read from that letter and quote:

We note that some of the most knowledgeable and active advocates for small business capital formation have in the past agreed that a company with more than $250 million of public float generally has the resources and infrastructure to comply with existing U.S. securities regulations.

It’s hard to know—a billion dollars in revenue is an abstraction. Let me give you an example. I have a list of the IPOs that have occurred in the last couple of years. Currently, what I think of as a fine company, Spirit Airlines, with some $800 million in revenues, would qualify as an emerging growth company. They went public in May of 2011.

Spirit Airlines is an established airline with 2,400 employees. They clearly are a company that has the capability to comply with the full array of protections that are there for investors and others. And I would note that the letter that I read from, of course, is from the association that is there to advocate on behalf of our investors.

So, Mr. Chairman, my amendment is common sense. It’s supported by the hearing that we had. It’s supported by the Council of Institutional Investors. It is common sense, dare I use that phrase, and, therefore, would urge adoption so that we get this definition right.

It’s a great bill. It is good that we are making it easier for small and emerging companies to go public and to not bear the full burden of the protections that are out there, but we should get this definition right. We should make sure that this is a benefit that accrues to truly small entrepreneurial emerging companies.

And therefore, I think $750 million in revenue is a more appropriate benchmark and, therefore, I propose this amendment.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, again, the people of America care about jobs, they care about economic growth. Although we’ve had some recent improvement in our monthly unemployment figures, when we add in those who are working part-time who would prefer to be working full-time, and when we add in those who, frankly, have just given up and left the labor force, we know that the true unemployment rate in America is closer to 15.3 percent.

We know that the job engine of America is small business. And every big business had to start out as a small business.

I respect the gentleman’s contribution to the bill. And this is about line drawing. I understand that I respect his opinion. I know the professional background from which he has come. But I feel like his amendment would take this bill in the complete opposite direction of where we need to take this policy for emerging growth companies.

He used the example of Spirit Airlines. I don’t have the figure at my fingertips, but I believe their market cap was in excess of what is provided for in the underlying bill, so I believe, again, they would not have qualified for the exemption in the first place.

But we want to provide this on-ramp for emerging growth companies, so, again, we can find tomorrow’s Google, we can find tomorrow’s Apple. And yes, this is drawing some lines in the sand, but it’s clearly not a line that seems to be of great concern to the President.

We all know that the White House issues the Statement of Administration Policy, and when they have concerns about provisions in a piece of legislation, they have never been shy or reticent to share that with us. As I read the Statement of Administration Policy, the President doesn’t seem to have a problem with where that line has been drawn.

I would also point out that the provisions in legislation that the President himself supported, S. 1933, introduced by Senator SCHUMER of New York, Democrat, also has a gross revenue test of $1 billion. And so it appears that the President supports this. Senator SCHUMER supports this.

This is bipartisan support for this $1 billion figure. I think that the crucial time in our Nation’s history the American people demand we err on the side of creating jobs and economic growth.
So, again, I respect the gentleman for his amendment, but I would urge that it be rejected.

I reserve the balance of my time.

Mr. HIME. Mr. Chair, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I thank the gentleman for yielding.

I believe the gentleman from Connecticut has made the salient points, but I do want to point out that this "radical" amendment, under current law, and current regulation, approximately 60 percent of all businesses are already exempt. They’re exempted pursuant to a law that we passed in 2003, Sarbanes-Oxley, which was a bipartisan bill. Sarbanes, Oxley. Bipartisan.

All this "radical" amendment does is simply say that we’re going up from 60 percent to allow 80 percent of the businesses to be exempted from these provisions. Now, I don’t think that’s a radical provision. I think that’s reasonable. The truth is I have some hesitancies even at these numbers, but I do believe that it’s worth trying because it’s worth taking a shot to see if some relief will help.

At the same time, it is not a wise provision to take a complete step backwards and say to investors that you’re going to go in blind, you’re going to be exempted from audits. This bill doesn’t do that, I don’t think that’s the intent.

The Acting Chair. The time of the gentleman has expired.

Mr. HIME. I yield an additional 30 seconds to the gentleman from Massachusetts.

Mr. CAPUANO. I don’t think that’s the intent. I actually think this bill has an underlying good purpose, and I’d like to be able to support it. But I think that the bill goes too far, particularly in this provision.

By going from 60 percent to 80 percent in one fell swoop, I think the risks are too high, having gone through the problems of the early 2000s, the problems of 2008, and the potential problems that are lurking there every single day.

A little extra transparency on behalf of investors is not a bad thing when we’re only talking a handful of the largest corporations in the country.

Mr. HENSARLING. I continue to reserve the balance of my time.

The Acting Chair. The gentleman from Texas has 15 seconds remaining. The gentleman from Connecticut’s time has expired.

Mr. HENSARLING. If the time of the gentleman from Connecticut has expired, in that case, Mr. Chairman, I will yield the remainder of the time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I want to be clear: This bill is about new companies, not existing companies, but about new companies that are wanting to go public.

The $1 billion revenue and $700 million in public float thresholds for emerging growth companies in the underlying bill were recommended by the nonpartisan IPO task force comprised of industry experts, such as venture capitalists, public investors, entrepreneurs, investment bankers, accountants, professors, securities attorneys, and the exchanges.

If we strike the public float requirements, we break this provision’s ties to an already defined SEC threshold. Seven hundred million in public float is the threshold for a company to be considered a "accelerated filer" under SEC rules. This number is used by the SEC to define a mature company, meaning that the company will be able to handle complying with a variety of SEC regulations on day one of its IPO.

The $1 billion threshold in the bill serves as a backstop to the SEC’s definition of an accelerated filer.

In addition, lowering the revenue thresholds would increase IPO costs for more companies and make the IPO path less attractive than merger and acquisition transactions. More mergers and less IPOs would mean less job creation here at home as a result of innovative companies being absorbed by larger purchasers, including non-U.S. companies.

Therefore, I appreciate the gentleman’s position and understand his wanting to go in this direction, but we cannot support this amendment.

The Acting Chair. The gentleman from Texas remains in the Chair.

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

The Acting Chair. The question is on the amendment offered by the gentleman from Connecticut (Mr. Hime).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HIME. Mr. Chairman, I demand a recorded vote.

The Acting Chair. Pursuant to clause of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting Chair. It is now in order to consider amendment No. 4 printed in House Report 112-409.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting Chair. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 9, strike "(C)" and insert "(D)."

The Acting Chair. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me acknowledge, first of all, the combined efforts that have generated this approach to putting Americans back to work. Let me acknowledge the manager that is on the floor, Congresswoman WATERs, for her enormous leadership on many of these issues, as well as the ranking member of the full committee, Mr. FRANK, who certainly has served and exercised his willingness to deal with questions of these markets; and, of course, my friend from Texas who is managing this and is, again, I hope working with us in a bipartisan way on solving these serious matters.

Therefore, I appreciate the gentleman’s position and understand his wanting to go in this direction, but we cannot support this amendment.

The Acting Chair. The gentleman from Texas remains in the Chair.

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

The Acting Chair. The question is on the amendment offered by the gentleman from Connecticut (Mr. Hime).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HIME. Mr. Chairman, I demand a recorded vote.

The Acting Chair. Pursuant to clause of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.
accountability, and I believe that it is important to ensure continued oversight but continued help for these particular companies.

With that, I’d ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HENSARLING. I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I’m not, frankly, certain how I’m going to vote on the gentlady’s amendment, and I appreciate her bringing it to the floor.

If she would yield for a question, I’m just trying to understand the purpose of her amendment, and what is the deficiency in the underlying bill that she seeks to address with this amendment would be that question.

I would be happy to yield to the gentlady.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Mr. HENSARLING. I’m inquiring as to the perceived deficiency in the underlying bill that you seek to address with your amendment, and I would be happy to yield to my friend from Texas.

Ms. JACKSON LEE of Texas. I like the concept of emerging growth, and I think the concept is to build these businesses up, to give them greater opportunities. What I am suggesting is that, the amendment suggests that if you have issued more than a billion dollars, you have grown sufficiently to have an additional standard or a different standard. This particular amendment suggests that we have a framework for emerging growth.

Mr. HENSARLING. I have one other question for the gentlady.

On the 3-year period, I’m just curious as to the thought or purpose behind that particular selection of a 3-year period.

I’d be once again be happy to yield to my friend, the gentlady from Texas.

Ms. JACKSON LEE of Texas. I’d tell my good friend, it is not 3 years.

I thought that was an appropriate framework for a billion dollars. If you spread it out over a period of time, that’s $300 million to $400 million a year.

Let me just say that I think the concept is so important, to my friend from Texas, that a friendly modification would be in order in the timeframe. But I think the billion dollars is an appropriate standard, if you will, for trying to ensure that we really do boost and give latitude to emerging growth companies.

Mr. HENSARLING. I thank the gentlady for her responses.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Let me just conclude my remarks, and if I might, let me yield to the gentleman, because I did not hear him clearly. Let me yield to the gentleman from Texas, I’d like to raise the question, I did not hear your support or opposition to this initiative.

Mr. HENSARLING. Is the gentlady yielding?

Ms. JACKSON LEE of Texas. I’m hoping for a good bipartisan effort here, but I am yielding to the gentleman.

Mr. HENSARLING. Yes, the gentlady was very perceptive in her hearing. I was contemplating the answers that the gentlady gave. At this time, I do not intend to oppose the amendment.

Ms. JACKSON LEE of Texas. The gentleman is very kind.

So let me just say, as my leader on the floor was trying to get an inquiry about—and you always take a gift quickly and you say “thank you”—I think that this will add to the confidence of this legislation.

And as I indicated, though this is not specifically to this point, I want to make sure that we’re helping community banks provide more lending and access to small businesses. I want to point out in the definition of this bill, help emerging growth companies, as well, be stronger and, as well, to be part of the creation of jobs putting Americans back to work.

With that, I ask my colleagues to support the Hensarling amendment.

Mr. Chair, I rise today to offer my amendment No. 4 to H.R. 3606 “The Reopening American Capital Markets to Emerging Growth Companies Act of 2011.” My amendment would create a five-year “on-ramp” for smaller companies, and implement provisions of Sarbanes-Oxley and Dodd-Frank.

In the bill, Emerging Growth Companies are exempted from certain regulatory requirements until the earliest of three dates: (1) five years from the date of the EGC’s initial public offering; (2) the date an EGC has $1 billion in annual gross revenue; or (3) the date an EGC becomes a “large accelerated filer,” which is defined by the Securities and Exchange Commission (SEC) as a company that has a worldwide public float of $700 million or more.

H.R. 3606 thus provides temporary regulatory relief to small companies, which encourages them to go public, yet ensures their eventual compliance with regulatory requirements as they grow larger.

I agree in principle that it is important to modernize and improve the ability of a company to raise capital in today’s environment, but I am concerned H.R. 3606 goes beyond what is necessary at the expense of protecting the investor.

My amendment adds a requirement that a company cannot be considered an “emerging growth company” (EGC) if it has issued more than $1 billion in nonconvertible debt over the prior three years.

As a matter of fact, it is not uncommon for a company to be financed with debt as opposed to equity, and that while $1 billion in debt is not what it used to be—certainly is still a pretty substantial sum of money. Frankly, Mr. Chair, a company that size needs to have some oversight to protect the public.

For years, both Wall Street and big banks lacked the requisite governance, oversight and accountability. Relenting on Wall Street and big banks to police themselves resulted in the worst financial crisis since the Great Depression, the loss of 8 million jobs, failed businesses, a drop in housing prices, and wiped out personal savings.

We must restore responsibility and accountability in our financial system to give Americans confidence that there is a system in place that works for and protects them. We can create a sound foundation to grow the economy and create jobs.

To wit—this debt financing might be tax deductible, whereas the equity financing typically is not—which gives debt financing a distinct advantage.

H.R. 3606 encourages emerging growth companies (EGCs) to access the public capital markets by temporarily exempting EGCs from some registration procedures, prohibitions on initial public offering (IPO) communications, and independent audits of internal controls over financial reporting, among other exemptions.

I encourage my colleagues to vote for this amendment to H.R. 3606 that adds a requirement that a company not be considered to be as an “emerging growth company,” if it has issued more than $1 billion in nonconvertible debt over the prior three years.

Mr. Chair, let’s continue to protect the investing public.

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-409.

Mr. ELLISON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, strike line 7 and all that follows through page 6, line 13 (and redesignate paragraphs accordingly).

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chair, this amendment is very simple. We brought this up in committee. I would like the whole body to be able to get a chance to hear their say on Pay. Say on Pay is a good, commonsense thing that empowers investors. It allows shareholders and companies to be able to say, Do I believe that the CEO pay in this company is too high? shareholders are not exiguousing the right to approve or to have a nonbinding vote on pay. As a matter of fact, Nabora Industries announced that its former CEO agreed to waive a $100 million termination payment, and that was regarded as a rare win for shareholders. In light of this, I would like to submit for the RECORD and for the purpose of this debate, an article entitled, “A Rare Win for Say on Pay.”
Now, this is a bill that I would like to support. I think it’s a good idea. The fact of the matter is—Mr. Chair, you would be shocked to know—that we actually, I think, passed this bill out of our committee without any dissenting votes.

The issue remains that there are a lot of advantages to this bill. It relieves the emerging growth companies of the pretty hefty burden of complying with 404(b) of Sarbanes-Oxley. It allows them to escape the obligations of providing 3 years of audited financial statements. Although I think they’re good for our system with regard to controls, these things are costly and do take a toll.

Do you know what, Mr. Chair? Say on Pay is not costly, and it’s not burdensome. It empowers investors and makes them more engaged and gives them some reason to be plugged into what the company is doing.

I have written to the Council of Institutional Investors that I would also like to submit for the RECORD. They are concerned about this section that would waive say on Pay because it would effectively limit the shareholders’ ability to voice their concerns about executive compensation packages.

[From Real-Time Advice, Feb. 6, 2012]

A RARE WIN FOR SAY ON PAY
(By Sarah Morgan)

NABORS INDUSTRIES’ (NBR) announcement that the CEO agreed to waive a $100 million termination payment was a rare win for shareholders, who experts say often gripe about excessive compensation but rarely act.

Under pressure from shareholders, who voted against Nabors’ pay packages and directors in a recent proxy voting, the oil drilling company said this morning that former CEO Eugene Isenberg will waive the huge payout. Instead, his estate will receive a payment of $6.6 million plus interest upon his death, which is more than his $250 million retirement package. So having him defer this $100 million is a good thing for shareholders,” says Stephen Ellis, a Morningstar equity analyst.

In the past agreed that a company with more than $250 million of public float generally has the resources and infrastructure to comply with existing U.S. securities regulations. We, therefore, urge you to reevaluate the basis for the proposed thresholds defining an EGC.

DEFINITIONS

We question the appropriateness of the quality’s defining term “emerging growth company” (EGC) as set forth in Sec. 101(a) and 101(b), a company would qualify for special status for up to five years, so long as it has less than $1 billion in annual revenues and not more than $700 million in public float following its initial public offering (IPO).

The Council is concerned that those thresholds may be too high in establishing an appropriate balance between maintaining capital formation and protecting investors.

For example, we note that some of the most knowledgeable and active advocates for compensation committees looking to actively rein in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation. Moreover, compensation committees looking to actively rein in executive compensation.
disenfranchising certain shareholders from the right to express their views on a company’s executive compensation package, we respectfully request that the following factors be considered:

1. Companies are not required to change their executive compensation programs in response to the outcome of a say on pay or golden parachute. Securities and Exchange Commission (SEC) rules simply require that companies discuss how the vote results affected their executive compensation decisions and promptly disclosed in plain English in their proxy statement.

2. The SEC approved a two-year deferment for the say on pay rule for smaller U.S. companies. As a result, companies with less than 75 million in market capitalization do not have to comply with the rule until 2013, thus the rule’s impact on IPO activity is presumably unknown. We, therefore, question whether there is a basis for the claim by some that advisory votes on pay and golden parachutes are an impediment to capital formation or job creation.

We also have concerns about Sec. 102(a)(2) because it would potentially reduce the ability of investors to evaluate the appropriateness of executive compensation.

More specifically, Sec. 102(a)(2) would exempt an EGC from Sec. 14(1) of the Securities Exchange Act of 1934, which would require a company to provide the disclosure. We, therefore, again question whether a disclosure that has not yet been proposed for public comment is impeding capital formation or job creation.

Our membership approved policies emphasize that executive compensation is one of the most critical and visible aspects of a company’s governance. Executive pay decisions are one of the most direct ways for shareholders to assess the performance of the board and the compensation committee.

The Council endorses reasonable, appropriately structured pay-for-performance programs that reward executives for sustainable, superior performance over the long term. The board of directors and the compensation committee to ensure that executive compensation programs are effective, reasonable and rational with respect to critical factors such as company performance.

Transparency of executive compensation is a primary concern of Council members. All aspects of executive compensation, including all information necessary for shareholders to understand how and how much executives are paid should be clearly, comprehensively and publicly disclosed in plain English in the annual proxy statement.

Transparency of executive pay enables shareholders to evaluate the performance of the compensations and the board in setting executive pay, to assess pay-performance links and to optimize their role in overseeing executive compensation decisions.

We have concerns about Sec. 102(b)(2) and Sec. 102(b)(2)(A) because these provisions would effectively impair the independence of private sector accounting and auditing standard setting, respectively.

More specifically, Sec. 102(b)(2) would prohibit the independent private sector Financial Accounting Standards Board from exercising their own expert judgment, after a thorough public due process in which the views of investors and other interested parties are solicited and carefully considered, on determining appropriate effective dates for new or revised accounting standards applicable to EGC.

Similarly, Sec. 104 would prohibit the independent private sector Public Company Accounting Oversight Board from exercising their own expert judgment, after a thorough public due process in which the views of investors and other interested parties are solicited and carefully considered, in determining improvements to certain standards applicable to the audits of EGC.

The Council has consistently supported the view that the responsibility to promulgate accounting and auditing standards should reside with independent private sector organizations. Thus, the Council opposes legislative provisions like Sec. 102(b)(2) and Sec. 104 that override or unuly interfere with the technical decisions and judgments (including the timing of the implementation of standards) of private sector standard setters.

We believe that annual and audited financial statements provide investors with information that is vital to making investment and business decisions. The accounting standards underlying such financial statements derive their legitimacy from the confidence that they are established, modified based on independent, objective considerations that focus on the needs and demands of investors—the primary users of financial statements. We believe that in order for investors, businesses and other users to maintain this confidence, the process by which accounting standards are developed must be free—both in fact and appearance—of outside influences that inappropriately benefit any particular participant or group of participants in the financial reporting system, business and the capital markets. We believe political influences that dictate a particular outcome for an accounting standard without the due process that considers the views of investors and other stakeholders would have adverse impacts on investor confidence and the quality of financial reporting. We believe that critical importance to the successful operation of the U.S. capital markets.

**INTERNAL CONTROLS AUDIT**

We have concerns about Sec. 103 because that provision appears to unnecessarily expand the existing exemption for most public companies from the requirement to have effective internal controls.

More specifically, Sec. 103 would exempt an SEC from the requirements of Section 404(b) of the Sarbanes-Oxley Act of 2002 (SOX). That section requires an independent audit of a company’s internal financial controls as a component of its financial statement audit.

The Council has long been a proponent of expanding this requirement to necessarily include external audit fees, but believes that effective internal controls are critical to ensuring investors receive reliable financial information from public companies.

We note that Section 896(g)(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) already exempts most public companies, including all smaller companies, from the requirements of Section 404(b). We also note that Section 896(b) of Dodd-Frank required the SEC to complete a study on the implementation of new or revised accounting standards applicable to EGC.

Similarly, the study, issued April 2011, revealed that (1) there is strong evidence that the provisions of Section 404(b) “improve the reliability of internal control disclosures and financially reporting overall useful to investors,” and (2) that the “evidence does not suggest that granting an exemption [from Section 404(b)] . . . would, by itself, encourage companies in the U.S. or abroad to list their IPOs in the United States.” Finally, and importantly, the study recommends explicitly against—what Sec. 103 attempts to achieve—a further expansion of the Section 404(b) exemption.

**AVAILABILITY OF INFORMATION ABOUT EMERGING GROWTH COMPANIES**

Finally, we have concerns about Sec. 105 because it appears to potentially create conflicts of interest for financial analysts. More specifically, we agree with the U.S. Chamber of Commerce that the provisions of SOX and the Global Research Analyst Settlement were a result, no public companies are currently required to provide the disclosure. We, therefore, again question whether a disclosure that has not yet been proposed for public comment is impeding capital formation or job creation.

While the Council welcomes further examination of issues, including potential new rules, relating to research analysts as gatekeepers, it generally does not support legislative provisions like Sec. 105 that would appear to weaken the aforementioned investor protections.

The Council respectfully requests that you carefully consider our questions and concerns about the provisions of the JOBS Act. If you should have any questions or require any additional information about the Council or the contents of this letter, please feel free to contact me at 202.658.9431 or Laurel@cii.org, or Senior Analyst Laurel Leitner at 202.658.9431 or Laurel@cii.org.

Sincerely,

JEFF MAHONEY, General Counsel.

With that, Mr. Chair, as I have with me today Members who want to offer some remarks in support, I will inquire as to how much time I have remaining.

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

Mr. HENSARLING. Mr. Chairman, again, when we add in those who want full-time work and yet have part-time work, those who have given up and left the labor force, who have been unemployed for weeks and months on end, we know that the true unemployment rate in America is, regrettably, close to 13.5 percent.

Jobs is the number one concern, jobs and the economy, jobs for American people, and it has to be our number one concern as well. And as ever well-intentioned as the gentleman
from Minnesota’s amendment is, it is not one particular regulatory burden; it is the cumulative impact of them all that is inhibiting job growth in America today.

Anytime I talk to small business people in the Fifth District of Texas, which I have the honor and privilege of representing, and whether I’m talking to small business people or, frankly, to Fortune 50 CEOs, this is what they tell me: it is the government red tape. Now, it doesn’t mean all regulation is bad, but what we have looked at is the cumulative impact, particularly in the midst of what our constituents view as a crisis.

John Mackey, co-founder and CEO of Whole Foods Market:

In some cases, regulations have gone too far, and it really makes it difficult for small businesses. There’s too much bureaucracy and red tape. Taxes on businesses are very high. So we’re not creating the enabling conditions that allow businesses to get started.

Again, on a bipartisan piece of legislation that is supported by the President of the United States, most of the provisions have been overwhelmingly supported either on the House floor or in the Financial Services Committee. Rep. gentleman from Minnesota (Mr. ELLISON) has a great amendment here. The gentleman from Massachusetts (Mr. STEPHEN LYNCH) wants to empower the shareholders.

Now, I understand his particular concern on Say on Pay, but I would note that emerging growth companies still have to disclose their executive compensation arrangements to shareholders and that SEC requirements for smaller reporting companies. How many votes do you want to compel shareholders to take, particularly on emerging growth companies?

We could require votes on patent filings. We could require votes on the retention of the accounting firm. Maybe we could require it on the acquisition of real estate. Perhaps shareholders should be compelled to vote to ratify any particular union contract. Maybe we should compel a vote on the IT system. We could go to the ridiculous. Maybe we have to have shareholder votes to choose between Coke and Pepsi in the break room, or as to whether or not the coffee is organically grown or not organically grown. What is the company logo? That, I believe, is a question. Are we here to stand up for shareholder value or for somebody’s subjective, personal values, which I respect, but which, again, can harm emerging growth companies as they’re trying to get jobs and the economy.

I reserve the balance of my time.

Mr. ELLISON. I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman at the podium.

This argument makes no sense to me. If we are interested in creating jobs, how does it hurt jobs by simply allowing the people who actually own the company, the shareholders, the ability to have a non-binding vote on the pay of their CEO? By the way, if they choose to pay the CEO a gazillion dollars, that’s fine. It’s their money. They can do what they want with it. If, however, they choose to cut the CEO’s salary, may I have 1 minute of that money to actually create more jobs.

This amendment doesn’t affect the creation of one job. It simply recognizes the fact that shareholders own the company. They should be able to decide what to do with their money. Some people have not liked this provision since it was adopted. This is simply an opportunity to take a bite out of something they’ve never liked. It has no effect whatsoever on the creation of a job. And I would dare say to empower shareholders might actually free up some corporate money in order to hire one or two more people.

Mr. HENSARLING. Mr. Chairman, how much time remains on both sides, please?

The Acting CHAIR. Both sides have 1½ minutes remaining.

Mr. HENSARLING. I continue to reserve the balance of my time.

Mr. LYNCH. I want to thank the gentleman for yielding.

The gentleman from Minnesota has a very good amendment here. Here is what we’re talking about.

This would strengthen title I by keeping in place the requirement that all public companies, including emerging growth companies, hold a non-binding shareholder vote on executive compensation and golden parachutes once every 3 years. One vote. They’re having a meeting anyway. These are the companies that we know the least about. We support the underlying bill, but we think that requiring a non-binding vote once every 3 years is good for the shareholders.

The question is: Will this inhibit the operation of these emerging growth companies? I think the gentleman from Minnesota has a great amendment here.

These are the companies we know the least about. They have the shortest track records. These shareholders and investors are taking a leap of faith, and this would allow them to have a vote on the CEO salaries and also on the golden parachutes, so I ask Members to support the amendment.

Mr. HENSARLING. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman from Texas for yielding.

The SEC already provides smaller reporting companies with an additional year to comply with executive compensation requirements and say-on-pay vote compliance. This bill would simply extend the extension to emerging growth companies during the on-ramp period. They would still disclose compensation arrangements to shareholders in the same way that the SEC requires for smaller reporting companies, we think, forcing shareholder votes on internal issues such as compensation levels, risk, undermining the emerging growth companies’ ability to exercise independent judgment on behalf of all the corporation’s shareholders. The bottom line here is that we must spare emerging growth companies from the costly litigation that could result if an emerging growth company’s board of directors reject or refuse to abide by the results of the shareholder vote.

I would just remind all of my colleagues the President is supporting this jobs bill. We think this is something that will really, really put Americans back to work.

The Acting CHAIR. The gentleman from Minnesota has 30 seconds remaining, and the gentleman from Texas has 15 seconds remaining.

Mr. ELLISON. Mr. Speaker, we are talking about a vote once a year, probably at the annual meeting, probably a sum total of a few seconds; and maybe the shareholders might actually free up some type of financial burden on a company that cannot be used to create a job. If this was a concern, why don’t we find it listed in the Statement of Administration Policy. It’s not a concern of the President. Let’s work together and pass this bill.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, every single regulation imposes some type of financial burden on a company that cannot be used to create a job.

Mr. ELLISON. Mr. Speaker, we are considering amendment No. 6 offered by Ms. WATERS. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

Amendment No. 6 offered by Ms. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–409.

Ms. WATERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:
Page 11, line 12, strike “paragraph (10) of this subsection and”.

Page 11, line 16, insert after the period the following: “Any such research report shall be deemed a prospectus under section 2(a)(10).”

Page 13, line 18, after the first period insert “filing of such registration statement or the date such report is first published or distributed. Such research report shall be deemed a prospectus under section 2(a)(10).”

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

Ms. WATERS. I offer my amendment today in the spirit of improving the underlying bill in the area of investor protection with regard to the provisions of research provisions in title I. First, my amendment attempts to mitigate against potentially damaging conflicts of interest between the people who will profit from an emerging growth company’s IPO and those who write research about such IPOs. This amendment provides that if a broker or a dealer is underwriting an IPO and also providing research to the public about that IPO, those research reports need to be filed with the SEC and underwriters need to be held to stricter liability for their comments.

Second, this amendment provides that if emerging growth companies are communicating orally or in writing with potential investors before or following an offering, they need to file those communications with the SEC.

During the dot-com boom of the 2000s, it was uncovered that certain research analysts were recommending companies to the investing public because their firms had an economic interest in the firm’s IPO, or wanting to get other businesses from the company. Meanwhile, those same analysts were telling their colleagues in internal emails that the company’s IPOs were junk. Essentially, these analysts misled the investing public and didn’t disclose their economic interest in hyping the company.

Third, under the current settlement and related rules coming from the scandal, we cracked down on some of these conflicts of interest. My amendment, rather than letting these conflicts be restored, would require that if underwriters are also issuing reports about a company’s IPO, underwriters need to file those with the SEC. Filing of materials subject to a more robust liability.

Secondly, the filing of a pre- or post-offering communication with the SEC under this amendment will also hold companies to a higher level of legal liability, ensuring their communications accurately portrayed the nature of the offering. It also allows the SEC and the public to be sure that companies aren’t inappropriately hyping their offering to investors.

Today we received communications, both from the Chamber of Commerce and from the Council of Institutional Investors about the Global Research Analyst Settlement. The provisions bolstered the transparency, independence, oversight, and accountability of research analysts.” and similar comments from the Chamber of Commerce.

I would urge support for my amendment and for the underlying bill. We must help investors to access our capital markets, but we must also mitigate against conflicts of interest that would mislead investors. I believe my amendment strikes the right balance.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas (Mr. HENSARLING), you may have the floor for 5 minutes.

Mr. HENSARLING. Mr. Chairman, we’ve had a vigorous debate over some amendments that were accepted, others that we thought were unwise. Frankly, this one, Mr. Chairman, we believe would simply gut the entire bill. You know, Mr. Chairman, you cannot sue your way into job growth. You are not going to be able to sue your way into economic growth.

This amendment takes us a huge, huge step in the opposite direction. The purpose of the amendment from the gentledamn from California is to essentially squash any of the reporting that would take place on these emerging growth companies for imposing the prospectus level of liability imputed to the communications of the research reports.

I mean, in order to get onto this IPO on-ramp in order for the small growth companies to access our equity market, there has to be the research which is published. Without it, the accredited investors will probably never know of the existence of the companies in the first place. I would point out that many of the concerns should have already been addressed.

Number one, all these emerging growth companies are still liable for the Global Research Analyst Settlement of 2003, which established a comprehensive set of rules that sever the link between investment banking and research activities, section 501 of Sarbanes-Oxley. Section 501 of Sarbanes-Oxley requires the research analysts and broker-dealers to disclose all potential conflicts of interest, Regulation AC, stock exchange-listing standards, FINRA codes of conduct, and the list goes on and on and on.

And so again, Mr. Chairman, to add another level of liability, one that we are told would simply have an incredibly damaging impact on the existence of these research reports, for all intents and purposes this would simply gut the bill. I suppose it would be an early evening in the House if we accepted it, but everything that Members on both sides of the aisle have worked for would be for naught.

Again, if this was a concern of the administration, why wasn’t it listed in their Statement of Administration Policy where they always list their concern?

Ms. WATERS. I yield the balance of my time to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I want to thank the gentlewoman for yielding. I don’t know if I am going to use the words “winning” thing, but the gentleman from Bizarro Congress because I’m about to agree with the Chamber of Commerce. I’ve been listening to my colleagues on the other side claiming that they’re with the President on this one. Something must be wrong.

The Chamber of Commerce has raised the exact same issues that we’re raising with this amendment. This amendment doesn’t kill this bill. It simply says if you’re going to give information to the investing public, you have to file with the SEC and you have to stand by that information as being legitimate and honest information. That’s really all it says. It says it in technical terms, but that’s all it says.

By the way, I guess I need to be clear. We don’t necessarily agree with everything the chamber says, even on this amendment. They just raise the same issue. And I would like to be clear that no one has since stated it, but even the President himself would likely be happy to see some amendments to this bill. I presume some of them will be passed in the Senate; and hopefully when they are, people like me will be a lot more supportive when it comes back.

The number one thing I thought it was important to point out I’m not with the chamber very often. When I am, I think that’s worth of note.

Mr. HENSARLING. Mr. Chairman, I continue to reserve the balance of my time.
Ms. WATERS. Mr. Chairman, I join with Mr. CAPUANO in saying that we don’t normally agree with the Chamber of Commerce. As a matter of fact, this may be the first time that I’ve agreed with the Chamber of Commerce. But you have also the Council of Institutional Investors, that is warning us about this research problem that we have unless we clear it up.

Mr. HENSARLING. May I inquire of the Chair how much time I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. HENSARLING. In that case, I will yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman from Texas.

First off, I actually think I have the letter here from the Chamber of Commerce, and I’m trying to find what has been discussed here. I thought I saw something across where after 3 years they were willing to look at it. That would be an interesting one to find.

This is a classic case of an amendment that I believe the law of unintended consequences is potentially just devastating. Any times around here—particularly in the Financial Services Committee—do we have the discussion of what’s the best regulator? It’s information and yet you’re running an amendment here that basically will destroy because of the liability. That liability will make it so you’re not going to do the research, you’re not going to cover the stock. If you read the amendment, I fear it may be too broad. Does it cover someone that does a detailed investment newsletter? What level does it ultimately cover?

Mr. Chairman, I believe the law of unintended consequences here is very dangerous.

Mr. HENSARLING. I yield the balance of my time to the gentleman from New Jersey (Mr. GARRETT), the chairman of the Capital Markets Subcommittee.

Mr. GARRETT. I thank the chairman.

As we indicate, the President supports the underlying legislation and the gentleman indicated that he may be looking for some amendments to the bill, but I would assume quite candidly he would not be looking for this amendment.

As the gentleman from Arizona aptly points out, what we’re trying to do is to facilitate the expansion and growth by the small companies. How do we do that? As the gentleman from Arizona says rightfully so, by the expansion of information. This information can and should get out there; but at the end of the day, we want to make sure that the liability that is imposed on the dissemination of information is not so grave that it will basically supplant with an overarching desire to destroy that overall purpose of the legislation. You do that unfortunately with this amendment.

Why so? At the end of the day, you will get the same protections that you’re looking for here, I think, in the sense that there will be strict liability imposed. What’s in the prospectus. So if you are the investor, in this instance and you’re trying to decide whether you’re going to go and invest in this new company or not, the information that you’ll be looking for will be there? In the prospectus. And the strict liability will be imposed at that period of time.

You do not want to impose that liability as you lead up to the situation with the other information that is going out by outside research analysts. With that, I will respectfully oppose the amendment.

The Acting CHAIR. The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS). The amendment was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 10, strike “or institutions that are accredited investors”. Page 13, line 11, strike “terms are respectively” and insert “term is”.

Page 13, line 12, strike “and section 200.50(a)”.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HENSARLING. I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. I yield 1½ minutes to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. I thank the gentleman for yielding.

Mr. Chair, I rise in opposition to the gentlelady’s amendment.

Again, our goal here today is to help America’s start-up companies grow, raise capital, create jobs. The amendment offered by the gentlelady from Texas would limit opportunities for emerging growth companies to expand business by cutting them off from experienced investors.

Part of generating a successful IPO is having the ability to test the waters through pre-IPO meetings with institutional qualified investors. There are buyers out there that want to talk to and receive feedback from before launching an IPO to ensure success. If a company learned that there is a good chance it
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will have a successful IPO, it would be less likely to choose a merger and acqui-
sition path, which often results in losing jobs, and continue to grow or-
ganically and create jobs. So it doesn’t make sense to me to cut these inves-
tors off from emerging growth compa-

\[1730\]

Ms. JACKSON LEE of Texas. Mr. Chairman, who has the right to close? The Acting CHAIR. The gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, let me just maintain that this is a simple premise of protecting the less sophisticated investor, and I have no desire to not see jobs being created or the opportunity for emerging growth entities to have access to opportunities for investment. It is quite clear that qualified institutional investors are far more sophisticated than the accredited investors’ status, and so I can’t get clearer than that, trying to make sure that we protect those.

And as we noted for the Democrats who served on the Financial Services Committee, they made certain state-

ments, if you would, to ensure that we have the greatest amount of protection for those who we want to see having greater opportunities.

So with that, Mr. Chairman, I hap-

ply yield back my time and ask my colleagues to support this very simple amendment that seeks to protect accredited

investors. Mr. Chair, I rise today to offer my amend-

ment #7 to H.R. 3606, “The Reopening Ameri-
can Capital Markets to Emerging Growth Companies Act.” This amendment

strikes language in the bill that allows an emerging growth company or its underwriter to communicate with “institutions that are accredited investors.”

H.R. 3606 would exempt certain regulatory requirements until the earliest of three dates: (1) five years from the date of the EGC’s initial public offering; (2) the date an EGC has $1 billion in annual gross revenue; or (3) the date an EGC becomes a “large accelerated filer,” which is defined by the Securities and Ex-

change Commission (SEC) as a company that has a worldwide public float of $700 million or more.

The bill thus provides temporary regulatory relief to small companies, which encourages them to go public, yet ensures their eventual compliance with regulatory requirements as they grow larger.

My amendment narrows the permissible ex-

emption to allow oral or written communica-
tions with potential investors who are “quali-
fied institutional investors,” but omits “accredited investors” from this exemption, in the name of investor protection. For example, this amendment would ensure that an accredited investor would not be con-

sidered a qualified institutional investor and therefore would not be able to engage in cer-
tain types of investments.

Under the bill, the commonly known “test

the waters provision,” would amend the Secu-

rities Act of 1933 to expand the range of per-
missible pre-filing communications to sophisti-
cated investors, and allow Emerging Growth Companies (EGCs) to determine whether qualified institutional or accredited inves-
tors might have an interest in a con-
templated securities offering.

I believe that while many Accredited In-

vestors are sophisticated and prosperous, and meet the brokerage firm requirements for alter-
native investments.

My amendment is merely a continuation of the investor protection theme of Dodd-Frank. Specifically, investors that lack the necessary

protection to absorb the losses that could occur when investing in an Emerging Growth Com-

pany.

Moreover, I would note that many qualified institutional investors have a minimum of $1 billion to invest, which simply may not be the case with the funds that are similar to those expressed by my Demo-

cratic colleagues on the Financial Services Committee: that they and Republicans share the desire to create an accessible, robust and efficient capital market for the benefit of small businesses and job creators.

I too, expect that as H.R. 3606 moves for-

ward, further refinements will be adopted to ensure that investor protections are not sac-

rificed.

Again, as my Democratic colleagues on the Financial Services Committee stated:

H.R. 3606 encourages emerging growth companies (EGCs) to access the public capital markets by temporarily exempting EGCs from some registration procedures, such as the need for initial public offering (IPO) communications, and independent audits of internal controls over financial reporting, among other exemptions.

Democrats agree in principle that it is im-

portant to modernize and improve the abil-

ity of a company to raise capital in today’s environment, but are concerned H.R. 3606

may not give the robust capital access needed by small companies (EGCs) to access the public capital markets. Democrats are concerned that the legislation’s regulatory relief to small companies could allow for an EGC to grow larger, yet continue to protect the investor. Okay, well, let’s take a look at that. What are we dealing with here?

We’re dealing with a company that would allow an emerging growth company to under-

write and come from the SEC.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentle-

man 30 additional seconds.

Mr. GARRETT. To deal with institu-
tions that are accredited investors. Who is it that sets the standards for ac-
credited investors? The SEC. So if your con-

cern is that the level of accredited investors is not sophisticated enough to deal with the purchase of these invest-

ments, then you’re not with this underlying legislation. Your concern should be directed to who? The entity that sets the standards for that—the SEC.

This legislation basically says that those people who should be involved here are accredited, set by the SEC. They, therefore, by definition are so-

phisticated investors. That is why we oppose the amendment.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. HENSARLING. At this time, I

will yield 1½ minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, this is also one of those—I say under-

standing is the way the amendment is drafted is this would basically say that an emerging growth company could not, would be prohibited from commu-
nicating with accredited investors. Okay. Do we all know, I think, the cur-

crent definition of accredited investor is $1 million net worth not counting your residence, $200,000 income for, I think, 3 years running. And now we’re telling an emerging growth company that that is the population that you’re not al-

lowed to talk to?

I appreciate investor protection and protecting the little guy; but at some point when someone is holding $1 mil-

lion in liquidity and they’ve shown that they’ve demonstrated they have $200,000 a year income, I actually think those are the very people I want to be having communications with a growth company, that give-and-take, that in-
formative flow. And that’s why actu-

ally this is a bad amendment, and we need to stand up and oppose it.

Mr. HENSARLING. I yield myself the balance of the time.

I would just say to my friend, the gentlelady from Texas, that I have to set-

tled for batting .500, as I supported her earlier amendment, but I have to rise in opposition to this one. The very pur-

pose of an accredited investor is to
We cannot have financial institutions bidding up the price of oil solely to further line their own pockets and needlessly drive up cost to consumers. Domestic demand for oil is at its lowest point in the last 15 years, but the price of gasoline is hitting new highs.

The Commodity Futures Trading Commission is working to address oil and gas speculation, but they need to be more aggressive. I joined 44 Members of this House and 23 Senators in sending a letter to the CFTC to exercise its full authority to eliminate excessive speculation and under the recently passed Dodd-Frank Act. This amendment will provide valuable information on how such speculation affects the ability of emerging growth companies to raise capital.

Access to capital remains a challenge for most entrepreneurs, and uncertain and often rising energy costs represent a potential impediment for start-up companies trying to convince prospective investors that they have in fact a competitive business model.

My simple amendment requires the Securities and Exchange Commission, in consultation with the CFTC, to study the effects of oil and gas speculation in financial markets on the ability of emerging growth companies to access capital. This will enable the CFTC to better address such speculation and to better protect the ability of American entrepreneurs to raise the capital necessary to innovate and succeed in the competitive global market.

I urge my colleagues to join me in the simple effort to study the excessive speculation and hopefully reduce energy costs for American innovators and consumers.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I have some good news for the gentleman from Virginia. The very issue that he cares to study has already been studied. In January of 2011, Democrat CFTC Commissioner Michael Dunn said:

To date, CFTC staff has been unable to find any reliable economic analysis to support either the contention that excessive speculation is affecting the markets we regulate or that position limits will prevent excessive speculation.

Although some argue for increased domestic drilling, at best it will take 5 years before new supplies are brought to market and have any effect on the current price of gasoline. Meanwhile, oil companies are producing more oil in America right now than at any point in the last 8 years; but since they’re also exporting more oil, consumers aren’t realizing the benefits of that production. Approving the Keystone XL pipeline may temporarily reduce prices, but it would make gas prices even worse. The oil company TransCanada said in its pipeline application that Keystone will raise American oil prices by $3 a barrel. The price of a gallon of gasoline has risen 30 cents per gallon in the last month, and we need to drive down prices, not allow them to increase.

There are a number of factors involved in the rapidly increasing price of gasoline. One of those significant causes is the proliferation of financial market speculation on oil and gas products. During the last gas price spike, Goldman Sachs estimated that speculation added $27 to the price of a barrel of oil. J.P. Morgan data, oil state Senator Tom COBURN of Oklahoma told the House Oversight and Government Reform Committee, in which I sit, the speculation is adding 13 to 15 percent to the price of a barrel of oil right now. And an Amaranth report based on Goldman Sachs data, a recent Forbes news report said that excessive speculation leads to a 56-cent premium per gallon at the pump.
Canada successfully to the Red River, the northern border of Texas, he'll allow it to get to the refineries on the gulf coast. Otherwise, no energy.

Shouldn't, on the road to American energy independence, we ought to at least give the road to North American energy independence. These are 20,000 shovel-ready jobs—and I know the administration gets confused at what is a shovel-ready job—but 20,000 shovel ready jobs, and yet it's rejected by this administration. Why? Well, because it's an administration that has essentially declared war on carbon-based industry, thus is trying to increase prices of energy for small businesses, for struggling American families, for hardworking taxpayers. Please don't take my word for it; take the word of the Secretary of Energy, Steven Chu: "Somehow we have to figure out how to boost the price of gasoline to the levels of Europe."

Well, again, I've got good news for the guy on the other side: they're doing a wonderful job. They have us on the road to increasing energy levels to the price of Europe, and the consequent unemployment that goes with it, and the consequence of having the fewest business in almost two decades. So, the matter that the gentleman cares to study has already been studied. It has already been studied.

I also recall a time when these people were called investors, and we actually welcomed them into the market. I suspect that it is fear of this administration's energy policies that is causing these prices to skyrocket even further. As bad as they are today, people know they're going to be even worse.

So I would urge a rejection of this amendment that takes this bill in the complete opposite direction that it needs to be going.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time is left on our side.

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. CONNOLLY of Virginia. Well, I'm saddened, but of course not surprised, that my friend on the other side would not want a simple amendment to study the effect of oil speculation on the price of oil because it doesn't fit the political narrative. So while we're trying to have a very narrow narrative that makes the job market accessible to small businesses, for struggling American families, we are doing nothing to bring more capital, and create more jobs. Job creation is the purpose of this bill, not gas prices. Rising gas prices is a critical issue, and we would be glad to have the debate some other day. But today we're talking about job creation in the private sector. This is a very important piece of legislation that the President supports. So let's give the power back to the people.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Regrettably, the ranking member is not here because he chose to violate House rules, and his speaking privileges were denied for the rest of the day. But during our committee markup, he said:

First of all, studies are not done for free by the SEC. Given the current decision to restrict SEC funding, I will be much more careful about burdening them with studies that will ultimately come at the expense of more important duties.

One more reason to oppose the gentleman's amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The Acting CHAIR. The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. McCARTHY OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–409.

Mr. McCARTHY of California, Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, beginning on line 6, strike "(a) REMOVAL OF RESTRICTION.—” and all that follows through line 11 and insert the following:

(a) MODIFICATION OF RULES.—

(1) Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise subsection (d)(1) of section 17 of the Code of Federal Regulations, to provide that securities sold under such revised exemption may be offered to persons other than qualified institutional buyers, including by means of general solicitation or general advertising, provided that securities are sold only to persons that the seller and any person acting on behalf of the seller reasonably believe is a qualified institutional buyer.

(b) CONSISTENCY IN INTERPRETATION.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) by striking "The provisions of section 5" and inserting "(a) The provisions of section 5";

and

(2) by adding at the end the following:

"(b) Offers and sales exempt under section 230.506 of title 17, Code of Federal Regulations (as revised pursuant to section 201 of the Jumpstart Our Business Startups Act) shall not be deemed public offerings under the Federal securities laws as a result of general advertising or general solicitation.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. McCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McCARTHY of California. Mr. Chairman, this amendment is designed to make several small changes to make sure the regulation D, rule 506 provision in this bill meets its original intent.

In consultation with the Securities and Exchange Commission and our friends on the other side of the aisle, we identified several areas where the language in the bill could have had some unintended consequences that may have limited the effectiveness of the provision or expanded its reach beyond what we originally intended.

This amendment does three things: Clarifies that general advertising provision should only apply to Regulation D, rule 506 of the securities offerings;
Protects investors by allowing for general advertising in the secondary sale of these securities, so long as only qualified institutional buyers purchase the securities.

Provides consistency in the interpretation for regulators that general advertising should not cause these private offerings to be considered public offerings.

Our goal with this amendment is to ensure that more small businesses have the opportunity to find the investors they need while preserving investor protections.

Mr. Chairman, as many people know on this floor, I created my first business at age 20. I was fortunate enough to be successful enough to pay my way through college.

Mr. Chairman, if I look today, I don’t know if I could start that same small business. Entrance to market is great, access to capital. What our goal to do in this bill and amendment is to expand access, as the amendment. I understand there’s ranking member on the provisions of the amendment. I understand there’s members 5 years old or younger.

Mr. Chairman, I was reading the other day, if you look at the challenge we have, this current administration and their policies hampering our ability to grow, you look back to the end of the last recession, 2001, you look at the beginning of this recession in 2007, a lot of people in America say it in this bill and amendment is to expand access to capital. What our goal to do is to allow small businesses will continue to grow, and we’ll put America back on the right path.

Well, if you ever measured who created those jobs, small businesses. Companies under 500 employees added 7 million jobs, and 70 percent of those new 7 million jobs came from companies 5 years old or younger.

But Mr. Chairman, under this new administration, we’re at an all-time low of new start-ups. So we’re hopeful, with this new legislation, that will change, that the future will be bright, and local businesses will continue to grow, and we’ll put America back on the right path.

I reserve the balance of my time.

Mr. CARNEY. I rise to claim time in opposition, though I’m not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Delaware is recognized for 5 minutes.

There was no objection.

Mr. CARNEY. Mr. Chairman, I’d like to first thank the gentleman from California for his amendment and for working with the minority party and the ranking member on the provisions of the amendment. I understand there’s support for the amendment on this side of the aisle as well.

I would like to take a minute, if I could, or a couple of minutes, to talk about the Waters amendment, which was discussed a few minutes ago, just to clarify a few points, if I may. Congregational women, in committee, raised concerns about the way information was used during the dot-com boom in the early 2000s, and there were obviously some problems with that.

But I think the RECORD needs to be clear that under our bill, all analyst research for emerging growth companies will remain subject to certain provisions. They will be subject to the Global Research Analyst Settlement, which was negotiated as a result of the problems in the early 2000s. This settlement established a comprehensive set of rules that severed the link between investment banking and research activities at large banks.

They will be subject to section 501 of the Sarbanes-Oxley, which requires research analysts and broker dealers to disclose all potential conflicts of interest in research reports; they will be subject to Regulation AC, which requires research analysts to personally certify that the views expressed in research reports accurately reflect the research analysts’ personal views about the securities, and to disclose whether research analysts were compensated in connection with specific recommendations; and, they would still be subject to stock exchange listing standards.

The point is that the protections against these conflicts that the gentlelady from California was concerned about are preserved under our bill, and we would argue that the amendment is not necessary. In fact, what the amendment would do is it would take away what we think is an advantage to our legislation, which is research that would be available on small emerging growth companies which are not covered currently by these regulations.

So I’d like to just ask my colleagues on both sides of the aisle—obviously, the amendment failed on a voice vote, and I would ask, as the amendment goes to a recorded vote, that my colleagues keep in mind that these protections still exist for investors.

With that, I yield back the balance of my time.

Mr. MCCARTHY of California. Mr. Chairman, I urge adoption of the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCARTHY).

The amendment was agreed to.

ANNOUNCEMENT OF THE AMENDMENT

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–409 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. Himes

Amendment No. 5 by Mr. Ellison of Minnesota

Amendment No. 6 by Ms. Waters of California

Amendment No. 9 by Mr. Connolly of Virginia.

The Chair will reduce to 2 minutes the minimum time required by electronic vote after the first vote in this series.
H1262

CONGRESSIONAL RECORD — HOUSE

March 7, 2012

Mr. KELLY. Mr. Chair, on rollcall No. 103, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Mr. BRAILEY of Iowa. Mr. Chair, during rollcall vote number 103 on Himes amendment, Mr. Chair, on rollcall vote number 103 on Himes amendment, Mr. Chair, I was unavoidably detained. Had I been present, I would have voted “aye.”

Stated against:

Mr. KELLY. Mr. Chair, on rollcall No. 103, my voting card would not register. Had I been able to vote, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded. A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—aye, 109; noes, 244; not voting, 19, as follows:

(*Roll No. 104*)

YEA—109

Ackerman
Anderman
Gonzales
Andrews
Green, J.
Baldwin
Grijalva
Barrow
Rahm
Bass (CA)
Hannah
Becerra
Terry
Berkeley
Hastings (FL)
Berman
Reinhart
Bishop (GA)
Riggs
Blumenauer
Hirono
Bonamici
Hochul
Bradley (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Jackson (MI)
Carson (IN)
Johnson (GA)
Chell
Christ
Clarke (MI)
Clarke (NY)
Cleaver
Lucky
Cubin
Langevin
Cunself
Looebask
Cummings
Loekrens, Zoe
Davis (CA)
Le (CA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Dougherty
Donnelly (NY)
Doyle
Duncan (TN)
Duncan
Edward
Elisbon
Engel
Eshoo
Falchuk
Farr
Frank (MA)
Fudge
Franks
Fulop
Gallegly
Gallup
Garamendi
Gonzalez
Green, A.
Grijalva
Hahn
Hanan
Hanna
Harper
Harris
Hastert
Hastings (WA)
Hayworth
Heck
Hensley
Herger
Herrera Beutler
Helselkamp
Hijuelo (MI)
Hill
Hinchley
Hoffman
Holt
Horn
Hunt
Isaacs
Jenkins
Johnson (NJ)
Johnson (OH)
Johnson, Sam
NOT VOTING—23

Bachus
Braley (IA)
Burton (IN)
Carnahan
Colombia
Davis (FL)
Filon
Finney
Jones
Crowley
Cullerton
Davis
Denny
Dent
DesJarlais
Dial-Ballantyne
Dolezal
Dolby
Duncan (NC)
Edwards
Ellison
Engel
Esserman
Eskridge
Esser
Evans
Akin
Adams
Amash
Amodei
Rehberg
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Rigell
Rojas
Ross (AR)
Rosen
Royce
Ryan
Ryan (WI)
Scalese
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Schrock
Schweikert
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Sullivan
Thompson (PA)
Thornberry
Turner (NY)
Turley
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Van Hanuna
Van Houten
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Walker (WI)
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Walsh
Welles
Wendel
Wexler
White
Whittle
Whittington
Wittman
Wilson (NC)
Wilson (SC)
Wright
Woodard
Woodward
Woolsey
Schmidt
Schmoker
Schumacher
Schuchardt
Schure
Schultz
Schuette
Schumacher
Schweikert
Scott (RC)
Scott (TN)
Sessions
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Shuler
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The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Ms. Waters) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. A recorded vote has been demanded.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—a yeses 161, noes 259, not voting 12, as follows:

[Roll No. 105]

AYES—161

Baca
Baldwin
Bass (CA)
Becerra
Berkeley
Berman
Blumenauer
Bonamici
Boswell
Bradley (TX)
Breager
Brown (FL)
Brown (OH)
Budd
Buck
Bicentennial
Byrd
Carter
Caskey
Chabot
Chaffetz
Clyburn
Coburn
Cole
Costello
Courtney
Crescenz
Culkin
Davis (CA)
Davis (MO)
DeFazio
DeGette
DeLauro
Dent
Engel
Eshoo
Farr
Fattah
Frank (PA)
Fugate
Gaetz
Gallagher
Gallin
Gates
Gentry
Gilbert
Gillum
Gilman
Gingrich (GA)
Gingrich (GA)
Gisin
Golkow
Golliher
Gonzalez
Goodlatte
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Gonzalez
Gonzalez
Gordon
Gore
Gorski
Gowdy
Graham
Gramlich
Green, Al
Green, Gene
Green, Joe
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Greenspan
Greenspan
Greenspan
Griffith (IL)
Griffith (VA)
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The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 106, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye." Mr. HENSARLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the Chair, a quorum being present, the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3606) to increase American job creation and economic growth by improving access to public capital markets for emerging growth companies, had come to no resolution thereon.

**HOUR OF MEETING ON TOMORROW**

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

**ARKANSAS CHILDREN’S HOSPITAL: 100 YEARS OF CARE AND SERVICE TO THE COMMUNITY**

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in honor of Arkansas Children’s Hospital, which is celebrating 100 years of service to Arkansas’ children and families. Since it was founded in 1912 as an orphanage, Children’s has blossomed to become one of the largest pediatric hospitals in the nation. Children’s is the only Level 1 pediatric trauma center in Arkansas, and they provide care to all 75 counties. For the past 5 years, it has been included in Fortune’s 100 Best Companies to Work For.

Medical breakthroughs, intense treatments, unique surgical procedures, and forward thinking have led to Children’s international reputation. This is due to Children’s more than 4,000 employees.

I congratulate Arkansas Children’s Hospital on their contribution to the health and well-being of our children and families, and to Arkansas’ economy.

**GAS PRICES**

Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.

Mr. MURPHY of Connecticut. Mr. Speaker, as we do here in Congress every time that gas prices rise, Members from both sides of the aisle are quick to blame each other. The reasons we find ourselves with high gas prices today aren’t simple, and we should be wary of anyone who’s offering an overly simple, one-stop solution to this crisis. We can take some steps to try to calm these prices today, but the real fixes are going to take years—and a willingness to lower the partisan rhetoric around this issue is going to be part of the equation.

One thing we can do now in the short term to ensure oil prices aren’t driven simply by financial speculation is to regulate our oil consumers. Our energy markets are functioning rationally. That means empowering Federal regulators to ensure that oil prices can’t be driven simply by financial speculation. We need the Commodities Futures Trading Commission to enforce strong trading limits to police speculation in energy markets, and we here in Congress have to give them the resources they need to do that. The problem we face today isn’t one of supply and demand. Demand is at its lowest in 17 years. Supply is at its highest in 3 years. This is a question of making sure that speculation isn’t running up the price too fast and too quickly. It’s our job to put speed bumps along the road.

**GAS PRICES**

Mr. CRAWFORD asked and was given permission to address the House for 1 minute.

Mr. CRAWFORD. Mr. Speaker, as of today, the price for a gallon of regular gasoline in my hometown of Jonesboro, Arkansas, is $3.55. Just a year ago, that same gallon of regular gasoline would have cost $2.96. We’ve all heard the news reports that gas could hit a record of $5 a gallon this summer. The rising cost of gas not only affects my constituents at the pump, it will also drive up the cost of goods and services. Congress can lower gas prices. We can require renewal of the Keystone XL pipeline within 30 days. President Obama’s rejection of the Keystone project will hit working families at the pump this summer. The American West is primed for oil shale development to provide oil and natural gas. The U.S. Geological Survey estimates we have the equivalent of more than 1.5 trillion barrels of oil in Colorado, Utah, and Wyoming. That’s enough to provide the United States with energy for 200 years.

The Obama administration recently announced plans to restrict offshore drilling. After the BP oil spill, strict regulations were put in place to allow...
March 7, 2012

CONGRESSIONAL RECORD—HOUSE
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for safe, responsible drilling. Now we need the Obama administration to lift the ban on drilling.

We are blessed to live in a land with abundant natural resources. We need a Federal Government that will get out of the way so we can develop those resources. Not only will these projects help American families meet our energy needs, they will also help create thousands of jobs in the process.

HONORING CAPTAIN ROBERT C. GRANT

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor the achievements of Captain Robert C. Grant, who has dedicated his life to serving our Nation and protecting the residents of south Florida. Captain Grant is retiring after a distinguished career with the United States Coast Guard Reserve, where he served as the deputy chief of staff of the Seventh Coast Guard District.

His selfless work has included providing support to Operation Desert Shield and Desert Storm, assisting in relief efforts after the devastating 2010 earthquake in Haiti, and building strong bonds between the Coast Guard and the Cuban and Haitian communities of south Florida through dedicated public outreach.

In his capacity as a congressional liaison, he was instrumental in this body’s work on combating maritime smuggling and other threats. He has received numerous military awards and unit citations, and is capping a career that has also included service in the United States Air Force Reserve and the United States Treasury Department.

On a personal note, I can’t thank Captain Grant enough for his friendship over the years. I know I speak for my staff as well as the greater south Florida community when I say, Captain Grant, we are all so proud of your career and your accomplishments, and you will be sorely missed. Thank you for your service.

INCOME TAX REFORM

THE SPEAKER pro tempore. Under the Special ordered policy of January 5, 2011, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURGESS. Mr. Speaker, here we are the way so that we have to file our income taxes—April 17 this year. It’s 99 years since this House enacted the progressive income tax that we now all know by its familiar name that we all use for it. I thought it might be appropriate to spend some time today talking about our Tax Code and talking about what might be possible in fundamental reform of the Tax Code.

I have long been a proponent of what is known as a flat tax. I think that is something that is worthy of this House taking up and debating. There is legislation that has been introduced, H.R. 1040 for people who are keeping score at home in the taxes that they have paid each year. I think that is a rational approach for people who want to be treated fairly by the Tax Code—our President does talk about fairness in the Tax Code—and for people who are wanting to get out of the tyranny of having to live with a shoe box full of receipts every spring, because I know this weekend when I go home, I’m going to be spending some time with that shoe box of receipts.

The flat tax is an idea that was promulgated by my predecessor here in this House, the former majority leader, Dick Armey. He wrote a book about the flat tax in 1995. I’ve read it. I embraced it, and I thought it was some of the smartest economic policy I had ever read. I’ve lived through what I described as the Clinton paradox.

In 1993, President Bill Clinton, in his first year of office, earned almost an identical amount of money that I earned in my medical practice back in Texas. Now, when the taxes were filed and the reports were given on how much Mr. Clinton had paid that year, he returned about 20 percent of his income in the taxes that he paid. We had earned an identical amount. When I did the same calculation on myself, it was 32 percent. Why should two people who had an identical earning level pay vastly different amounts on their income tax?

The fundamental unfairness of the system as it existed—better account, just simply differences in math, why should it account for that type of discrepancy?

So this is a concept that I came to Congress and wanted to push. I have been an involved in this Congress to enter into the debate on fundamental tax reform. I am somewhat encouraged during the Presidential debates that we’ve heard over the recent months that Presidential candidates have been talking about fundamental tax reform, and the President himself has mentioned creating increased fairness in the Tax Code.

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When you sit back and you look at the progressive Tax Code system that we have here in the United States of America, we hear a lot of talk today about fairness and fair share and economic equality and shared sacrifice. But one of the things we have to come to understand is, when you look at the top 1 percent of wage earners in the United States of America, they’re paying close to 40 percent of the Federal income taxes. When you consider the top 5 percent of wage earners in the United States of America, they’re paying close to 58 percent of those Federal income taxes. The top 25 percent of wage earners in the United States of America pay 86 percent of the Federal income taxes.

But of course now we’re coming to understand that you have a large percentage of Americans—some say it’s between 47 to 49 percent—that are paying absolutely nothing in Federal income taxes. It kind of reminds me, my dear colleague, of that movie, “Ben-Hur,” when Judah Ben-Hur was sent off to be on the Roman galleys. Of course the commander came down and he said very simply, “Row well and live, 41.” Of course we remember that beating.

So I think that now is the time to do exactly what you are talking about: Look at fundamental Tax Code reform so that we can eliminate things such as the death tax; we can eliminate things such as the dividends tax, which a lot of the seniors that I represent down in south Florida and pre-seniors, they do depend on those dividends. Why are we having these exorbitant taxes upon tax?

So I think that this is a great opportunity to have this conversation. I am so honored that you allowed me to stand here and spend some time with you this evening.

Mr. BURGESS. Well, very good. I hope the gentleman will stick around. I’ve got a few points I want to make, but at any point you feel like you want to expand upon something, please feel free to join back in.

We often hear the saying that there’s nothing in this world that’s certain except death and taxes; they’re both unavoidable. I will tell you, as a practicing physician for 25 years back in Texas, sometimes death seems a little less complicated than our Tax Code.

But again, I draw your attention to H.R. 1040. This is an optional flat tax bill that I have introduced this year—initially for several Congresses now. It does have a number of cosponsors. We are yet to get to ramming speed, as the gentleman pointed out, but I think
with the additional emphasis that has been placed on fundamental tax reform by the Simpson-Bowles Commission, by the Republican Presidential debates, I think this is a debate in which the American people are anxious to participate.

Here’s an interesting quote, and it’s so interesting that I had a poster made of it. The tax system is so complicated that even IRS Commissioner Doug Shulman has said, “I find the Tax Code complex, so I use a preparer.” Wow, the very guy who is in charge of the whole shindig cannot do his own taxes, so he has to hire it out.

So if this learned individual, who is the IRS Commissioner, cannot figure out how to do his own income taxes without a preparer, how in the world is the average Joe supposed to be able to figure this out? I ask that question because I’ve used this quote for a couple of years. Then last weekend, in The Dallas Morning News, I was struck by this quote where just a regular small business woman was interviewed about how she could possibly file her income taxes, which she didn’t understand. She told The Dallas Morning News reporter:

“I do nothing of the IRS says, it’s complicated. It’s much more confusing than I understand. We don’t know what we’re going to do.

Now, I don’t own what this says to you, but it certainly says to me: Time for a change. I yield to the gentleman.

Mr. WEST. You bring up a great point, Representative BURGESS. When you look at the fact that we have a Tax Code that is some 67,000 pages—as a matter of fact, the American people know that even some of our colleagues up here on Capitol Hill in this very body, the House of Representatives, have had some issues with the Tax Code, also to include our own Secretary of the Treasury has some issues had some issues with the Tax Code and the confusing nature of which it exists. So, you’re right, I think it’s an absolutely important time that we go back and examine this Tax Code, maybe move away from this progressive Tax Code system and simplify it for the American people.

As you know, if we can bring those rates down, if we can lower the deductions, if we can get rid of a lot of the loopholes in the personal income tax side and also the corporate tax side, think about what we can do for generating economic growth here in America.

Mr. BURGESS. I think the result would be absolutely outstanding. One of my wishes is that I live long enough to see that glorious day when the chains are taken off the American economy, the chains imposed by the Tax Code.

I actually wasn’t going to bring up some of our esteemed heads of Federal agencies, even the esteemed heads of congressional committees last year charged with writing the laws that govern what other Americans are having to pay in their taxes. These individuals simply could not comply because it was too complicated. The very individual who was in charge of the committee with writing the tax laws found himself in charge of those same laws. The very head of the U.S. Department of the Treasury found himself afoot of some of the Tax Code because, again, he alleged the complexity in the system.

So the Tax Code has grown by so much since it was introduced some 99 years ago. When it was first created that infamous year, the Tax Code comprised a total of 400 pages. As the gentleman from Florida just mentioned, it has grown to almost 70,000 pages.

Remember, one of the fundamental tenets of the American legal system, including the tax system, is that “ignorance of the law is no excuse.” Therefore, theoretically, every single American who is merely trying to comply with the law is prejudiced by the Tax Code. And the tax code is so complex that it is not required to be familiar with 70,000 pages of tax rules.

Now, I don’t own my own taxes. I don’t trust myself to do my own taxes. I know I’m not smart enough. With four college degrees, I couldn’t possibly handle this. But I doubt that even the tax attorney that I employ at great expense is familiar with all 70,000 pages, let alone the single mom back in Dallas, Texas, that referenced.

The complexity of the Tax Code is a consequence of countless deductions and exemptions aimed at steering a social agenda. That might surprise some people. The Tax Code is used to steer a social agenda. But it’s supposed to be a Tax Code.

So what does that mean?

It means that the special interests are running rampant in the Code. Any time Congress wants to punish or reward their friends, we are using the Tax Code as a weapon for behavior modification. You just demonstrate why we need fundamental tax reform.

The results of these actions is a compilation of laws fraught with opportunities for, yes, avoiding taxes, but also perhaps just simply making a mistake or not understanding all of the loopholes. And all of this, then, comes down to the expense of fellow American families.

Now, everyone’s familiar with the problems of the Tax Code. We all criticize it. It’s almost like an American pastime to do that. But here are some interesting facts that further demonstrate why we need fundamental tax reform.

Mr. BURGESS. I yield to my colleague.

Mr. WEST. And if I can, my colleague.

Mr. BURGESS. I think the result would be absolutely outstanding. One of my wishes is that I live long enough to see that glorious day when the chains are taken off the American economy, the chains imposed by the Tax Code.

I actually wasn’t going to bring up some of our esteemed heads of Federal agencies, even the esteemed heads of congressional committees last year charged with writing the laws that
this Tax Code so that we don’t have politicians using it for a certain ideological agenda.

But there’s another unintended consequence that I see occurring down in our district because of this very complexity. Now, you have many different shady types of operators out there that are talking about how they will help prepare that Tax Code.

You know, when you drive by and you see that person using the arrow, or dressed up like the Liberty Bell, or something of that nature. And now we’re finding that many of these places are rampant with tax fraud, that people are not getting their tax returns back.

Now think about, just as you have recommended, a simplified Tax Code. Think about what is happening with tax fraud that is targeting our seniors so that now you have people that are going trying to file their tax form and they are finding out that someone has already done it under their presumed identity. If we could simplify this, a lot of those unintended consequences would not be happening.

Mr. BURGESS. That’s absolutely correct. Here’s a few fun facts that I’ve compiled over the years on the income tax code. Each year, America spends 6.1 billion hours preparing their tax form. It takes out that’s 254 million days. Who knew?

The cost of compliance for Federal taxpayers filling out their returns and related chores was $183 billion in 2008. That’s 11 percent of all income tax receipts. Think about that just for a moment. We could have an 11 percent increase in revenue to the Federal Treasury if these costs were not incurred.

The Tax Code has grown so long that it’s become challenging even to figure out how long it is. A search of the Tax Code on March 3rd turned up 3.8 million words. A 2001 study published by the Joint Commission on Taxation put the number at 1.3 million words. A 2005 report put the number of words had almost tripled since 1975. Such is the pace, the rate, at which new regulations are being added.

A study done in 1998, when the forms were even less complicated, was surveyed by 46 tax experts. They kind of ran some hypothetical numbers on a hypothesis of earning, and each expert came up with 46 different answers from 46 tax experts when determining tax liability. The calculations ranged from a low of $34,000 to a high of $68,000. The one who directed the test even stated that his computation is not the only possible correct answer. And yet we are asking our fellow Americans, our fellow citizens, to make this same type of leap of faith every year when they fill out these forms.

They don’t want to be non-tax compliant. They don’t want to be perhaps afoul of the law. But the problem is it is so complicated that they literally have no choice.

Mr. WEST. One of the pieces of legislation that we are currently considering is how do we spur on capital for our small businesses. Now, think about what you are recommending, Dr. Burgess, where you look at the personal income tax rates and now we have this progressive Tax Code system. What if we were to flat tax that out? One single rate?

Think what that would do for small businesses who operate from that person in the special chapter S and LLCs. Think about the fact of how they go from being at the top end, maybe 35, 38 percent of that bracket. Now we bring it down a little bit lower, like you suggest in 1040.

What happens with that capital now we’ve put back in their pockets? What can they do with those small businesses? What can they do with providing the right types of benefits for their employees? What can they do to expand that business?

That’s why what you’re bringing up is one of the critical things we have to look at if we are truly going to turn around the economic situation here in America.

Mr. BURGESS. Well, they might spend it on goods and services produced by other Americans, which would help their businesses; or they might reinvest it in their own business and perhaps hire a new person, even with the threat of the health care act hanging over their heads.

The Tax Foundation estimated in 2007 that the average person spends 79 days working to pay their Federal taxes, another 41 days for their State and local taxes. To pay the Federal taxes is more than people pay in health care, housing, and transportation.

You can kind of see the return on investment for those other areas, but I’m not quite sure that people see the return on investment as they’re forced to pay their Federal income taxes. We all complain about paying taxes; but the fact is, if the system was fair and simple, it would be easy to take.

Now, Americans don’t mind paying for roads. They don’t mind paying for a strong defense or for health care. But if the family who lives next door is paying a smaller share of the tax burden than you, living right next door, are forced to pay at a higher rate just because they have a better accountant, that simply doesn’t make sense to people.

The Declaration of Independence states that all men are created equal, and I believe that should apply to our Tax Code.

Time is precious. All of us don’t have enough time to do all of the things that are part of daily living. We’ve got to earn a living, raise our family, discipline our kids, spend time with friends.

And then the dollars-and-cents side of the equation. Where time is money, valuable, real estate. We squandered navigating the tax laws instead of growing the economy and instead of creating jobs.

Taken together, this is a strong prescription for real change in our Tax Code. And the good news is we know it works. We’ve seen it before. We caught a glimpse of it in 1986 when Ronald Reagan cut the Code in half. As a result of that reform, the economy grew, revenue increased, and so did savings.

I can’t think of a better prescription for our economy than replicating the reform of the Tax Code on an even greater scale.

So what to do? To me, the prescription is very simple. Flatten the tax, broaden the base, shift the burden away from families and small businesses. Simplify the Tax Code and make it easier for businesses and families to use.

Now, even the National Taxpayer Advocate, Nina Olson, repeatedly states simplification of the Tax Code as one of her recommendations to her annual report to Congress. In 2009 she was quoted as saying, the complexity of the Tax Code is one on one hand, taxpayers who honestly seek to comply with the law can make inadvertent errors, causing them to either overpay their tax, or to become the subject of an IRS enforcement action for mistaken payments of tax. On the other hand, sophisticated taxpayers often find loopholes that enable them to reduce or eliminate their tax liability.

Now, look, this is the National Taxpayer Advocate, and she thinks it’s better for our constituents if we simplify the system. So it makes sense for Members of Congress to take up that sentiment and work toward that goal.

Mr. WEST, I can assure you your constituents and my constituents already know that.

Mr. WEST. You’re absolutely right. Our constituents back in south Florida—and of course we get a lot of email from all across the country, and, hopefully, we’ll get some of that email tomorrow after this Special Order—but they understand a single flat rate.

All flat tax proposals have a single rate, and usually that single rate is less than 20 percent. That low flat rate solves the problem of a high marginal tax rate by reducing those penalties against productive behavior such as work and risk-taking and entrepreneurship.

Also, you eliminate a lot of those special preferences because flat tax proposals would eliminate provisions of the Tax Code that bestow preferential tax treatment on certain behaviors and acts. Guess what? It reduces that influence of lobbyists up here that you already talked about. When you get rid of deductions or lower those deductions, credits, exemptions, and other loopholes, that also helps to solve the problem of complexity, allowing tax filers to file their tax returns on that one simple form. That’s why H.R. 1040 is a great step forward.
Mr. BURGESS. Just a few years ago, a group called American Solutions conducted a nationwide poll on different topics relating to the Tax Code and on taxes and jobs. They crossed gender, ethnicity, economic, and party lines and discovered the following interesting facts about America:

The majority of people in America, 69 percent to 27, think the American tax system is unfair;

A majority believe that the death tax should be abolished, 65 percent;

A majority favor tax incentives for companies who keep their headquarters in the United States of America, 70 to 26;

Taxpayers should be given the option of a single income tax rate of 17 percent;

Taxpayers would still have the option of filing their taxes in the current system if they chose to do so. That was a 61 percent favorable;

The idea of this single-rate system should give taxpayers the convenience of filing their taxes on a single sheet of paper. Guess what. That one was 82 percent of our constituents believe, our fellow Americans, believe they should be able to file their Federal income taxes on one sheet of paper. America has spoken. The evidence is clear, and we need real change in our tax system. The encouraging news is that we do have a practical and effective blueprint for making this change across the board. That’s the blueprint, of course, is the flat tax.

In 1981, Robert Hall proposed a new and radically simple structure that would transform the Internal Revenue Service and our economy by creating a flat tax system. Hall’s idea was to tax income only one time, at a single rate of taxation for all Americans. Today, several States with their State income taxes have implemented single-rate tax structures for their State income taxes. From Utah to Massachusetts, citizens are seeing the benefits. In Colorado, a single tax rate generating so much income that the revenue—that lawmakers were actually able to reduce rates. In Indiana, the economy boomed after a single rate went into effect in 2003, and the following 3 years the corporate tax receipts rose by 250 percent.

Here in Congress, there is no shortage of champions who’ve worked on the problem. I’ve been involved in this for a number of years, but prior to my coming here, Congressman, DAVID DREIER of California, the chairman of the Rules Committee, has spent a number of years working on this concept. PAUL RYAN, our budget chairman, PAUL RYAN of Wisconsin, chairman of the Budget Committee, has worked on this problem for a long time. Mike PENCE of Indiana, who was our conference chair last term, of course my friend ALLEN WEST of Florida, all working to establish a simple tax rate structure for our country.

Other members are working on this in the Senate as well. And let’s be honest: This is a time where Congress is not held in high regard, and this would be a tremendous deliverable for the House and the Senate to work together on simplifying the Tax Code and actually returning not just dollars to the American people, but giving them back their time that we rob from them every year when we enforce compliance with the Tax Code.

Not everyone may agree on precisely where the flat tax rate should be. Seventeen percent, no deductions, is something that’s been talked about for some time. I think that is certainly a system that someone else wants to talk about a system with two or three rates or if they want to maintain deductions, we should be able to have that debate. We should have it civilly. It shouldn’t be something that we clobber each other over the head about.

But every American should bear this burden equally at the lowest rate possible, and everyone should be able to do their taxes without the help of a professional. People should be confident that when you earn the same income as the person across the street, you pay the same income taxes at the end of that year.

Just by way of comparison, according to the Internal Revenue Service, there are 1.2 million tax professionals preparing taxes during the tax season, which is roughly equal to the population of the State of Hawaii.

There are 950,000 doctors in the United States of America. Let’s review. I think this number is off: it’s askew. Healers should not be outnumbered by tax preparers. It makes no sense. More people should go into medicine and less into tax preparation, and it will provide them the simplicity in the Tax Code. Perhaps that can happen.

But let’s also be honest. The accountants who do your taxes would much rather be talking to you about your long-term life planning, your planning for your retirement, your planning for covering expenses if you become disabled; they would much rather talk to you about life planning than they would talk to you about how they disrupt your life with the Tax Code.

I yield to the gentleman from Florida.

Mr. WEST. Thank you once again, dear colleague. You bring up a great point when you talk about your after years, your retirement years.

But in order for us to be considering this: How do we spur on investment in the United States of America? How can we spur on innovation and ingenuity? When you look at the flat tax, then you can get rid of the double taxation of savings and investment, because flat tax proposals would eliminate the Tax Code bias against capital formation by ending the double taxation of income that is saved and invested.

This means that we get rid of the death tax. We can get rid of capital gains tax. Definitively, we can reduce it. Most importantly, we get rid of the double tax on dividends.

By taxing income only one time, a flat tax is far easier to enforce and more conducive to the one thing that we need in the United States of America right now: job creation and capital formation. It’s all about having the right type of tax policies that emanate from the floor of the House of Representatives, and that’s why we have to get behind your proposal.

Mr. BURGESS. According to H&R Block, which is one of the major preparers of income taxes in this country, not too long ago, 70 percent of Americans use some type of preparer for their income tax return, and quite likely that number is going to increase. In 1960, less than a fifth of taxpayers used tax preparers. In 2011, H&R Block garnered $3 billion in tax preparation revenue, up from $1.5 billion, so they doubled in the previous 10 years.

I’ve got nothing against this company. I think they do a good job. I’ve got nothing against my own accountant. But it’s an incentive system when a tax preparer has seen their revenues increase so much, and it really is a shame.

The United States Congress has it within their power to change this, to create this, and instead, they simply will not do it, and instead they continue to create a system that is so complicated that more than half of the public feel the need to pay someone else just what they owe at the end of the year to Turbo Tax.

I will tell you, it just simply does not have to be this complicated. Let me show you what is possible if we were to transform the system into a simple, single-rate tax.

Here is the form. This is not the long form. It’s not the short form. It is simply the tax form. Maybe someone at home should time me. But here you go:

Write in your name, a little bit of identification data, your income, a line for personal exemptions. You cover your deductions from your personal exemptions, your taxable income, and calculate your tax by multiplying by a flat rate, subtract the taxes already withheld, and you’re done.

So what did that take? Thirty seconds, a minute if you write slow?

This is not a complicated formula. This is not a complicated scheme, and most people would be able to do this themselves without a lot of outside help. This is no more tax preparation bills, no more tax attorney bills. Gone are the hours of stressful research trying to figure out things like how your marital status will affect your return or how many children affect your return. No more headaches in trying to determine where the estimated tax payments go.

No more Congress picking one group over another just because they’ve got a clever lobbyist to advocate on their behalf. Instead, we just deliver a simple system to the American people.

Now, as you have said, a single-rate structure would eliminate the taxes on capital gains, taxes on dividends, taxes
on savings. Those things should only be taxed one time. Personal savings would increase.

I will never forget the time during the prior recession in this country—the savings and loan debacle, the meltdown. I was in solo practice in Texas, and I got worried at one point that I was not going to be able to meet my obligations. As we emerged from that and as cash flow picked up a little bit, I thought, you know, I am going to keep money in certificates of deposit, enough to cover 3 months of operating expenses so that I’ll never again have to worry about the dire wolf being at the door. So I did that, and I kept that money there for a couple of years.

What I found out by doing that maneuver is that when that money eventually returned to the partnership and was distributed to the partners, we had paid corporate taxes on it at 38 percent, and then we had paid personal income taxes at 39.6 percent because we were all doing pretty well by that time. Needless to say, my partners were not amused by the fact that I had conjured up a way to save us from ruin but that, in fact, exposed us to double taxation under the IRS code.

Mr. WEST. You’re absolutely right. When you think about last year, our GDP for the four quarters of about 4 percent, 1 percent, 1.3 percent, and the revised number in the last quarter of 3 percent, that’s why, once again, economists will tell you that the two principal arguments for a flat tax are growth and fairness, which you just brought out.

They are attracted to this idea because the current tax system, with exorbitantly high rates and discriminatory taxation on savings and investment, reduces growth; it destroys jobs and it lowers incomes. A flat tax would not eliminate the damaging impact of taxes altogether; but by dramatically lowering rates and by ending the Tax Code’s bias against savings and investment, it would boost our economy’s performance, especially when we compare it to the present Tax Code.

I think, Dr. BURGESS, my dear colleague, if you look at where flat taxes have been instituted, you’ve seen GDP growth in those countries. So what holds me back from doing something that is just common sense?

Mr. BURGESS. The country of Estonia was a case in point a few years ago when they reported on their experience with the flat tax. I think this is a good system, but do you know what? I am willing to admit to you that I do not know the best for every family in America. Some people would criticize this system by saying, Well, wait a minute. I need that income tax deduction for my home mortgage, because I do. If you have constructed your life by living around the IRS code, then you should be able to continue doing that. If that is the reason by which you’ve made economic decisions in your life, you should be able to live by those decisions. Congress would not be disruptive in this process.

I, personally, would give up all of the itemized deductions that I keep in order to get rid of having to keep up with those itemized deductions. Would I still give money to charity? Absolutely. Would I still turn stuff over to the Salvation Army and to Goodwill? Absolutely. It’s no fun keeping up with those things and then having to report them to my accountant, and I always worry that I’m not giving off and that I’m not getting all that’s owed to me off of my income tax return.

I would so much rather have a system that was simple and with which, within a five-hour period every spring, I could do that and still be able to write its check and have the money. I get the satisfaction of knowing I’ve done it correctly, that I’m not going to jail for some perceived misconstruction on the Tax Code, and that no others have gotten a better deal than I have. We’re more clever about how they declared those charitable deductions, for example.

Let me give you an example of the mortgage tax deduction, because I do have a lot of friends who are in the real estate business, and they’re concerned about losing that home mortgage deduction. It’s one of the bedrocks on which the economy has been built over the years.

If you have invested in a starter castle in California and if your house payments are largely of interest and not much of principal, you probably don’t want to do this because that number is likely very high; but if you live in Fort Worth or San Antonio, Texas, where the average home mortgage is much, much smaller, if you do the numbers, if you run the numbers, you’ll find that the amount of money you actually get to keep from that mortgage income tax deduction is actually fairly modest.

I would give that up in a heartbeat to be out from under the tyranny of the shoebox full of receipts, but I fully understand how some families have made the decision. A home is a very important investment. After all, I get to write off every penny of the mortgage home deduction, so I will make this investment in this size of a home. It would be wrong for the United States Congress to say, as of next year, you don’t get to do that anymore. The real estate market has already suffered, and it would be unfair to Congress to make a sudden decision like that.

So make it optional. You can either stay in the Code and keep doing what you’ve been doing, or you can evolve and come into the promised land of a flat tax and give up that shoebox full of receipts. The important thing here is it’s your choice; it’s your option.

Now, I will say that once you opt into the flat tax, you might not do that. Congress would have to go forth into the Code and out of the Code depending upon what kind of year you have and what kind of investments you make. Once you make the decision to go into the flat tax, there you’ll stay. I fully believe that, even though some people might not do well under a flat tax system, because it is so much simpler and because it returns time to their lives, they will opt for this; and as a consequence, we will see the number of people participating in the IRS Code dwindle down to an ever-smaller number until, one day, it just vanishes under its own weight and the country is completely freed from the tyranny of the IRS Code.

Mr. WEST. You’re absolutely right. I think the most important thing we have to come to understand is that this time belongs to the American people. The money, the resources, belongs to the American people. Let’s give them the option to do what is best for them within the law—the option of going to a flat tax or staying in the current progressive Tax Code system with the options of the mortgage interest tax deduction, the child tax credit, charitable contributions, as we reduce those deductions.

But let’s start treating the American people as adults. The key thing that has to accomplish this is that we have to reduce the size and scope of government as well because, as we start to focus more so on Main Street, as we start to focus more on the hardworking American taxpayers and what’s best for them, then we can have that investment at their level. We can have the growth at their level.

I think the thing that really does trouble me is that when you drive around Washington, DC, you see a lot of construction cranes. Business is good up here, which means that there are fewer pockets of the hardworking American workers, that there are fewer pockets of the small business owners; and this is the means by which we unlock that entrepreneurial spirit that will grow this economy.

So that’s why I hope that, in this Congress, which is one of the reasons I came here, we do those big reforms that show the American people that we’re serious about turning this economy around and that we’re serious about creating the right type of policies that set the conditions for job creation.

Mr. BURGESS. Our time here has almost concluded.

The gentleman is exactly right. All of the improvements in the Tax Code really become meaningless if we don’t reduce the size and scope and the footprint of the Federal Government. You’re right about the cranes that are all over town. But after those buildings
are built, let’s be honest in that the money invested in the Federal Government doesn’t really produce all that much, does it? We don’t make things here during the day other than laws and regulations that interfere with other people’s lives. We need to have this government smaller and more manageable.

We talk a lot about transparency, and I think transparency is good. The problem is you have something that is so complex, like the IRS Code, that even though you may have the ability to look inside it, you won’t know what you’re finding when you get there. If you have a system that’s as simple as this, people are able to know what their government is costing them and what they are getting from that bond with the government.

If they didn’t like that equation, they could change. They could change their Members of Congress; they could change their Senators; they could change their President. That’s the beauty of living in the representational Republic that we all know and love here in the United States of America, and it is the thing that, arguably, has made us great—government with the consent of the governed. Wouldn’t it be great if that governed knew just exactly what it was costing them, and then perhaps they could find out where those dollars were going.

I mentioned earlier that Budget Committee Chairman PAUL RYAN has called for base and rate cuts, not just rate cuts. Obviously, I want to work together with him. Ways and Means Chairman DAVID CAMP has promoted the simplification of the Tax Code. The President, himself, through the Bowles-Simpson Commission, talked about it. Whatever the tax proposals are that we look to in the future, we need to remember that a flat-tax system could be less costly, saving the taxpayer over $160 billion a year, reducing tax compliance costs by over 90 percent, with a resulting increase in personal savings.

Here you go. How about a debt-free stimulus package, a gift to the American people, that could have an immediate effect on the American economy. American Solutions looked into this question in 2009: 80 percent of Americans favor an optional one-page tax form with a single rate. Who could complain about making something easier? And we’ve got 70,000 pages of the Tax Code and more on the way this December when we get through with the so-called “lame duck session.” I don’t know about you, Mr. WEST, but it scares me half to death to think about what’s coming at the end of this year. The current process comes at a cost that’s way too high for the American people and that costs way too much time.

Mr. WEST. Thank you so much to my colleague from Texas, Dr. BURGESS, and I think the seminal argument is this: We’re talking about economic freedom for the American people, as opposed to economic dependency upon government. This incredible, exorbitant system that we have, it is complex to the point where it is causing more harm for the American people and causing them to have the freedom that they deserve.

Mr. BURGESS. Mr. Speaker, of course, I know I must direct my comments to you. April 17 is coming up. It’s rapidly approaching. I know people are focusing and will begin to focus more and more on this issue for what remains of the month of March and the first couple of weeks of April, because they’ll be having to arrange their own taxes, deal with their own shoe boxes full of receipts.

This is the time to make the point that it is time to return time and money to the American people. Let’s get behind the flat tax. I yield back the balance of my time.

SPEAK OUT FOR WOMEN ACROSS AMERICA

The SPEAKER pro tempore (Mr. FLORES). Under the Speaker’s announced policy of January 5, 2011, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. QUIGLEY. Mr. Speaker, it’s an honor to be here tonight to speak out for women across America who rely on contraception for their health and well-being. I want to emphasize the word “health” because at its heart that’s what this debate is all about.

There has been a great deal of discussion about religion in this debate, but we want to use tonight to remind policymakers and Americans everywhere about the health benefits of birth control. The simple fact is women use birth control to delay or avoid pregnancy.

According to the American College of Obstetricians and Gynecologists: A full array of family planning services is vital for women’s health, especially for the two-thirds of American women of reproductive age who wish to avoid or postpone pregnancy.

Nearly half of all pregnancies in the U.S. are unintended, and unintended pregnancies can have serious health consequences for women. For example, for some women with serious medical conditions such as heart disease, diabetes, and high blood pressure, a pregnancy could be life threatening.

Children born from unintended pregnancies are also at greater risk of poor birth outcomes such as congenital defects, low birth weight, and prematurity. According to the National Commission to Prevent Infant Mortality, 10 percent of infant deaths could be prevented if all pregnancies were planned.

I want to share another story of a young woman named Katy from my home State of Illinois. Katy, like millions of women across the country, currently relies on contraception because she is pursuing her career and wants to do so without getting pregnant. Here’s what Katy wrote:

Birth control is important to me personally because I am a 23-year-old medical student who would have been pregnant if I did not have contraception. I have a similar story to that of the rejected witness’ friend.
sterile contraception programs, not abortion opponents should be bolstering. A basic health service already utilized by the vast majority of American women.

I hope we can work together to expand important investments in family planning such as title X and Medicaid. And I hope we can move forward with the important new rule regulating the average of contraception, to empower women, improve health, save lives, and reduce abortions.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Davis of Illinois (at the request of Ms. Pelosi) for today after 4 p.m. and the balance of the week.

Ms. Moore (at the request of Ms. Pelosi) for today and the balance of the week on account of a family medical emergency.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An act to prevent trafficking in counterfeit drugs, to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4108. An act to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

ADJOURNMENT

Mr. Quigley. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, the House adjourned, Thursday, March 8, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Prevention Rule (EPA-R4-OAR-2011-0761; FRL-9501-6) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Protection Plans; Alabama, Georgia, and Tennessee: Chattanooga; Particulate Matter 2002 Base Year Emissions Inventory (EPA-R4-OAR-2011-0084-201157(a); 9628-2) received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Maryland: Preconstruction Permitting Requirements for Electric Generating Stations in Maryland (EPA-R3-OAR-2011-0623; FRL-9628-7) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama, Georgia, and Tennessee; Chattanooga; Particulate Matter 2002 Base Year Emissions Inventory (EPA-R4-OAR-2011-0084-201157(a); 9628-2) received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida: Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities; Correction (EPA-R4-OAR-2010-0392(a); FRL-9628-6) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


5206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Prevention Rule (EPA-R4-OAR-2011-0761; FRL-9501-6) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5207. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Prevention Rule (EPA-R4-OAR-2011-0761; FRL-9501-6) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
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5207. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1611(c), and section 301 of the Panama Canal Act of 1978 and the Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month period report on the national emergency with respect to Lebanon that was declared in Executive Order 14141 of August 1, 2007; to the Committee on Foreign Affairs.

5208. A letter from the Corps of Engineers, Secretary, Missouri River Commission, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the period pursuant to 20 C.F.R. Sec. 552(h)); to the Committee on Oversight and Government Reform.


5213. A letter from the HR Specialist, Office of Navajo and Hopi Indian Relocation, transmitting first annual report on the category rating system as required by 5 U.S.C., Section 3319(d); to the Committee on Oversight and Government Reform.

5214. A letter from the Secretary, Department of Transportation, transmitting the Department’s report of obligations and unobligated balances of funds provided for Federal-aid highways and safety construction programs for the period July 1, 2010 as of October 30, 2010; to the Committee on Transportation and Infrastructure.

5215. Letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Airbus Airplanes [Docket No.: FAA-2011-0717; Directorate Identifier 2010-NM-108-AD; Amendment 39-16869; AD 2011-24-05] (RIN: 2120-AA64) issued February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)/A); to the Committee on Transportation and Infrastructure.

5216. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration’s Annual Report on Subsidies Enforcement, pursuant to the Statement of Administration Action the Uruguay Round Agreements Act; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severely referred, as follows:

H. R. 4150. By Mr. SOUTHERLAND:

H. R. 4150. A bill to remove from the John H. Chafee Coastal Barrier Resources System the areas included in Indian Peninsula Unit FL-92 and Cape San Blas Unit P-30 in Florida; to the Committee on Natural Resources.

H. R. 4151. By Mr. SOUTHERLAND:

H. R. 4151. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on the Judiciary.

H. R. 4152. By Mr. COMESS, Ms. NORTON, Mr. LYNCH, and Mr. CONNOLLY of Virginia:

H. R. 4152. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain States from seeking an elec-
tive office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Oversight and Government Reform.

H. R. 4153. By Mr. GOODLATTE (for himself and Mr. HOLDEN):

H. R. 4153. A bill to support efforts to re-duce pollution of the Chesapeake Bay water-shed, and for other purposes; to the Com-mittee on Transportation and Infrastruc-ture, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. R. 4154. By Mr. BOREN (for himself, Mr. COLE, Ms. CROMMELINN, Mr. INSLEE, and Mr. KILDAYE):

H. R. 4154. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes; to the Committee on the Ju-diciary, and in addition to the Committee on Natural Resources, for a period to be subse- quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. R. 4155. By Mr. DENHAM (for himself and Mr. and Mr. WALKER of California):

H. R. 4155. A bill to direct the head of each Federal department and agency to treat rel-evant military training as sufficient to sat- isfy any requirements imposed for Federal licenses; to the Committee on Oversight and Government Reform.

H. R. 4156. By Mr. MARKLEY (for himself, Mr. MARINO, and Mr. STEARN:

H. R. 4156. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of Food and Drug Administra-
tion to seek advice from external experts re-garding rare diseases, the burden of rare dis-eases, and the unmet medical needs of indi-
viduals with rare diseases; to the Committee on Energy and Commerce.

H. R. 4157. By Mr. LATHAM (for himself and Mr. BOREN):

H. R. 4157. A bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Education and the Workforce.

H. R. 4157. By Mr. HALL (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. SENSIBRENNER, Mr. LUCAS of Florida, Mr. HOHRABACHER, Mr. CON-TELLO, Ms. FUDGE, Mr. ADEHOHOLT, Mr. PALAZZO, Mr. BROOKS, Mr. OLSON, Mr. HULTGREN, Mr. BENISHEK, Mr. LIPPS, Mr. ROYCE, Mr. ROYCE of Florida, Mr. RIGELL, and Mr. CLARKE of Michigan):

H. R. 4158. By Mr. DEFAZIO:

H. R. 4158. A bill to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts’ space mis-sions; to the Committee on Science, Space, and Technology.

H. R. 4159. By Mr. ROYKITA (for himself, Mr. HULSKAMP, Mr. BROUN of Georgia, and Mr. JORDAN):

H. R. 4159. A bill to increase the employ-ment of Americans by requiring State work-agencies to consider that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants; to the Committee on the Judiciary.

H. R. 4160. By Mr. ROKITA (for himself, Mr. HULSKAMP, Mr. BROUN of Georgia, and Mr. JORDAN):

H. R. 4160. A bill to amend the Social Secur-ity Act to replace the Medicaid program and the Children’s Health Insurance program with a block grant to the States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Com-mittees on Ways and Means, Education and the Workforce, the Judiciary, Natural Re-source, House Administration, Rules, and Appropriations, for a period to be subse- quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. R. 4161. By Mr. GRJALVA:

H. R. 4161. A bill to amend title 39, United States Code, to provide that the United States Postal Service may not close or con-vert any post office unless the ZIP code has a high rate of population growth, and for other purposes; to the Committee on Oversight and Government Reform.

H. R. 4162. By Mrs. MILLER of Michigan:

H. R. 4162. A bill to amend the Food Secu-rity Act of 1985 to require the Secretary of Agriculture to establish a Great Lakes basin task force for agriculture source water pollution prevention; to the Committee on Agriculture.

H. R. 4163. By Mr. GARY M. GILLER OF California (for himself and Mr. SHERMAN):

H. R. 4163. A bill to amend certain provi-sions of the Truth in Lending Act related to the compensation of mortgage originators, and for other purposes; to the Committee on Financial Services.

H. R. 4164. By Mr. YOUNG of Alaska (for himself and Mr. LOTZ):

H. R. 4164. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve component, a former member of a reserve component who is eligi-ble for retired pay but for age, widows and widowers of retired members, and depend-ents; to the Committee on Armed Services.

H. R. 4165. By Mr. JONES:

H. Con. Res. 107. Concurrent resolution expressing the sense of Congress that the use of convicted noncitizens as agricultural workers with- out prior and clear authorization of an Act of Congress constitutes an impeachable high crime and misdemeanor under Article II, sec-tion 4, of the Constitution; to the Committee on the Judiciary.

H. Con. Res. 108. Concurrent resolution expressing the sense of Congress that the use of convicted noncitizens as agricultural workers with- out prior and clear authorization of an Act of Congress constitutes an impeachable high crime and misdemeanor under Article II, section 4, of the Constitution; to the Committee on the Judiciary.

H. Con. Res. 109. Concurrent resolution expressing the sense of Congress that the use of convicted noncitizens as agricultural workers with- out prior and clear authorization of an Act of Congress constitutes an impeachable high crime and misdemeanor under Article II, section 4, of the Constitution; to the Committee on the Judiciary.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States. This clause authorizes Congress to enact laws necessary to reduce burdens on interstate commerce.

Mr. BOREN:
H. R. 4154. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States. This clause authorizes Congress to regulate interstate commerce. In this case, this legislation is necessary to reduce burdens on interstate commerce.

Mr. DENHAM:
H. R. 4155. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

Mr. LATHAM:
H. R. 4157. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 and Article I, Section 8 of the United States Constitution.

Mr. MALL:
H. R. 4158. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

Mr. DeFAZIO:
H. R. 4159. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States. This bill restores the full constitutional power of the federal government to ensure the proper balance of power between the federal and state governments as intended under the 10th Amendment to the Constitution by de- oiling the responsibility of providing health care assistance for low income citizens to the states. It reinforces the constitutional principle that state governments are properly situated with attending to their citizens' health, safety, and general welfare.

Mr. GRIJALVA:
H. R. 4161. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (the Spending Clause) of the United States Constitution states that 'The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.' This bill restores the proper balance of power between the federal and state governments as intended under the 10th Amendment to the Constitution by de- oiling the responsibility of providing health care assistance for low income citizens to the states. It reinforces the constitutional principle that state governments are properly situated with attending to their citizens' health, safety, and general welfare.

Mr. GRUJALVA:
H. R. 4161. Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§ 1 and 8.

By Mrs. MILLER of Michigan:
H. R. 4162. Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. GARY G. MILLER of California:
H. R. 4163. Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. YOUNG of Alaska:
H. R. 4164. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 and Article I, Section 8 of the United States Constitution.

By Mr. BUCSHON:
H. R. 1193: Mr. C Mặt, Mr. REYES, Mr. GEBHARDT, Mr. SIBES, Mr. PENCE, Mr. REED, Mr. KING of Iowa.

H. R. 1955: Mr. BUCSHON.

H. R. 2123: Mr. CRITZ.

H. R. 2245: Mr. LATHAM.

H. R. 2543: Mr. PRICE of North Carolina.

H. R. 2727: Mr. BUCSHON.

H. R. 4160. Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14.

To make Rules for the Government and Regulation of the land and naval Forces.
H. Res. 503: Mr. Bilirakis and Mr. Austin Scott of Georgia.

H. Res. 560: Mr. Boswell, Mr. Levin, Mr. Grimalya, Mr. Langevin, Ms. Norton, Ms. Moore, Mrs. Maloney, Mr. Conyers, Mr. Gutierrez, Mr. Neal, and Mr. Lewis of Georgia.

H. Res. 568: Mr. Harris, Mr. Bishop of Utah, Mr. Diaz-Balart, Mr. Matheson, Ms. Foxx, Mr. Kline, Mr. Brady of Texas, Mr. Sensenbrenner, Mr. Roe of Tennessee, Mr. King of Iowa, Mr. Upton, Mr. Rohrabacher, Mr. King of New York, Mr. Calvert, Mr. Ryan of Ohio, Mr. Cardoza, Mr. Kilcher, Ms. Hayworth, Mr. Boren, Mr. Lamborn, Mrs. Lummis, Mr. Rangel, Ms. Bass of California, Mr. Goodlatte, Mr. Herger, and Mr. Crawford.

PETITIONS, ETC.

Under clause 3 of rule XII,

37. The SPEAKER presented a petition of City of Fort Myers, Florida, relative to Resolution No. 2012-2 urging the Congress to support funding of the Community Development Block Grant Program; which was referred to the Committee on Financial Services.
Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

Lord, God, omnipotent, You are above all nations. Take our lives and use them for Your purposes. Cleanse our hearts, forgive our sins, and amend our ways as Your transforming grace changes our lives.

Today, make our Senators true servants of Your will. In these challenging times, give them the wisdom to labor for justice, to love mercy, and to walk humbly with You. Keep their minds and spirits steady as they strive to do Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. Senate,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2012,
To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. REID. Madam President, following leader remarks, the Senate will be in morning business for 1 hour. Republicans will be in control of the first half, Democrats the final half. Following morning business, the Senate will resume consideration of the surface transportation act.

ORDER OF PROCEDURE
I ask unanimous consent that there be a recess at 5 p.m. and that be extended until 6:30 p.m. to accommodate Senators on the briefing. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, we are having a briefing this evening at the request of Senator MIKULSKI, who is a long-term member of the Intelligence Committee, to have an actual demonstration of why we need to pass the cybersecurity bill. All Senators should be there, and that is why we asked for the recess.

BLOODY SUNDAY
Mr. REID. Madam President, 47 years ago today a group of 600 freedom-loving men and women set out on a march from Selma, AL, to Montgomery, AL. The purpose of the march was to call for an end to discrimination and violence against African Americans.

Among those peaceful protesters was a young man by the name of JOHN LEWIS, now Congressman JOHN LEWIS. His life has been one of truly a great civil rights leader, outstanding legislator, and a patriot beyond excellence.

Only 6 blocks from the church where the march began, they were met at Edmund Pettus Bridge by police dogs, firehoses, and clubs. The terrible violence that day, known as Bloody Sunday, was broadcast across the country.

March 1965 marked a turning point in the civil rights movement, as Americans cried out against the injustice and bloodshed they saw on television. Later that month about 25,000 courageous souls finally completed that 12-mile march from Selma to Montgomery that started on Bloody Sunday, and 6 months later President Lyndon Johnson signed the Voting Rights Act of 1965.

A year ago I was privileged to lock arms with Congressman JOHN LEWIS and Congressman Jim Clyburn, two men whom I admire deeply, as we reenacted the march across the Edmund Pettus Bridge. It was really a humbling experience as JOHN LEWIS, with throngs of people—but we were together—explained to me what he remembered from that day:
As we were starting up the bridge there was a drug store that doesn’t exist anymore, but a lot of whites were gathered there. They were, of course, up to mischief.

JOHN LEWIS had on his back a backpack—they were not very common in those days—he had a backpack on his back. He thought perhaps he would be arrested, as he had been many times, and he would have something to read while he was in jail. He had a book and an apple in that backpack, but, of course, he was beaten very badly, and no one will ever know what happened to the backpack and the apple and the book.

It was really a humbling experience—I repeat, one I will never forget. On this day, I think we should all pause to
think that, while we have come a long way, we have a long way to go to make sure we have civil rights for everyone in America.

**THE HIGHWAY BILL**

Madam President, we were disappointed, as I indicated yesterday, at not being able to invoke cloture on this highway bill. I was satisfied yesterday that the Speaker of the House indicated that he thought the best thing to do, at least as I read the reports, would be to take the Senate version of a bill, if we can figure out a way to pass one, and then that would use that—he would bring it to the floor for a vote. I hope that is the case. The press doesn’t always get things right, but I hope in this case they did.

Senator McConnell’s staff and my staff are exchanging paper as we speak. I hope we can work our way through this bill. I think it is unfortunate that we are going to have to have votes on a number of amendments that have nothing to do with this underlying piece of legislation.

This is one thing the American people really do not like. At our townhall meetings, our visitations with people throughout our States, I have come to the realization that they hate what they call riders—things that have nothing to do with bills. The Senate rules allow them in most instances, so if it takes this to get this bill done, then we will have to move forward in that way. I hope we can do that. As I said, we are going to exchange paper, and I hope both sides will react positively. I am confident we will over here, and I hope we can work something out.

**RECOGNITION OF THE MINORITY LEADER**

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

**GAS PRICES**

Mr. McCONNELL. Madam President, last week I came to the Senate floor to speak out on an issue that is on the minds of a lot of Americans these days: the rising cost of gas at the pump and how the administration’s policies are actually making matters worse.

The President may try to take credit for production gains that are entirely the work of others, but more to the point is the fact that production is up on private lands and down on Federal lands. The property the President and the Interior Secretary actually manage is the property upon which production is down.

In fact, when it comes to the rising cost of gas at the pump, it is my view that the administration’s policies are actually making matters worse.

The President says that Americans should judge him not only by his words but on his deeds. So when I pointed out that the President continues to limit offshore areas to energy production and is granting fewer leases on public land for oil drilling, has encouraged countries such as Brazil to move forward on offshore drilling projects, continues to impose burdensome regulations on the domestic energy sector that will further drive up the cost of gasoline for the consumer, many Americans would agree that his goal certainly is not to drive gas prices down.

For the President’s part, he often says that Americans should judge him not only by his words but on his deeds. So when I pointed out that the President continues to limit offshore areas to energy production and is granting fewer leases on public land for oil drilling, has encouraged countries such as Brazil to move forward on offshore drilling projects, continues to impose burdensome regulations on the domestic energy sector that will further drive up the cost of gasoline for the consumer, many Americans would agree that his goal certainly is not to drive gas prices down.

The President’s admission that rising gas prices hurt the economy that really betrayed the administration’s attempt to have it both ways on this issue, because if higher gas prices hurt the economy, then why in the world is the administration calling for higher taxes on energy manufacturers? We know these taxes would drive up the price at the pump and send jobs overseas. The Congressional Research Service said that, if the President wants to drive prices down, he should stop calling for these increases in taxes.

Look, if the President wants Americans to think he is serious about lower gas prices, he has to do more than simply say—and this is what he said yesterday—"No President would want higher gas prices in an election year." "No President would want higher gas prices in an election year." What about other years? Would they want them in other years? It is only in election years that it is a problem? He has to get serious about changing his policies, and he might want to consider an Energy Secretary who is more committed to helping the American people! The question is not whether it is fair to prosecute the administration’s buddies in the solar panel business—and that brings us to a larger point.

The President likes to talk a lot about fairness. We have heard a lot about fairness, but when it comes to rising gas prices, the American people don’t think it is particularly fair that at a time when they are struggling to fill the tank, their own tax dollars are being used to subsidize failing solar companies of the President’s choosing, not to mention the bonuses executives at these companies keep getting. I think most Americans are tired of reading about all the goodies this administration’s buddies are getting on their dime even as the President goes around lecturing everybody about fairness.

I will tell you what is not fair. What is not fair is that it costs about $40 to double down on policies that are increasing gas prices even higher, and, finally, has flatly rejected the Keystone XL Pipeline. All of these help drive up the cost of gas and increase our dependence on foreign oil. The President simply cannot claim to have a comprehensive approach to energy because he doesn’t—he simply doesn’t—and anytime he says he does, the American people should remember one word: Keystone. Keystone.

Another thing they might want to do is play a clip of the press conference the President held just yesterday. Asked about whether he actually wants gas prices to go up, the President’s falacony attempt to deflect the question only served to confirm the premise. But it was the President’s admission that rising gas prices hurt the economy that really betrayed the administration’s attempt to have it both ways on this issue, because if higher gas prices hurt the economy, then why in the world is the administration calling for higher taxes on energy manufacturers? We know these taxes would drive up the price at the pump and send jobs overseas. The Congressional Research Service said that, if the President wants to drive prices down, he should stop calling for these increases in taxes.

Mr. McCONNELL. Madam President, I would like to pay tribute today to a friend of many decades, a Kentuckian who is a hero to many and a personal hero of mine for his work on behalf of children. That person is John Rabun. In his 28 years of service with the National Center for Missing and Exploited Children, John Rabun has saved literally thousands of lives and averted tragedy for thousands of families.

As the very first employee of the national center since its creation back in 1984, he has been the heart and the soul of that organization. His dedication and passion for the issue will continue to shape the national center long after he leaves it. Frankly, the children he leaves behind are not just a job, it was his mission. That is why it is such a blow that after 28 years of service, John Rabun will retire from his work at the National Center for Missing and Exploited Children this Friday, March 9. I cannot say enough how much this man will be missed.

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John and I have a history that stretches back almost four decades, dating to his time as a social worker in Jefferson County, Kentucky. Jefferson County contains the city of Louisville, my hometown, and in the late 1970s and early 1980s, I served as the judge-executive for Jefferson County. What that is, I say to the Presiding Officer from New York, is like the county executive for the county. It was in this capacity that I got to know John Rabun.

John earned his bachelor's degree from Mercer University in Macon, GA, and his master of science in social work from the University of Louisville. As a social worker, John managed the company’s group home for kids and was one of the first in town to identify
the growing crisis of child abduction and sexual exploitation. Working in those foster homes, John saw the problem firsthand and saw what local police and social services were not seeing. He saw that information between social service workers and law enforcement was rarely shared, if ever at all. It had not been. He realized a lot more could be done.

So John, along with a friend and fellow social worker, Kerry Rice, approachedErnie Allen, who at the time was the director of the Louisville-Jefferson County Crime Commission. Ernie is now known as the director and CEO of the National Center for Missing and Exploited Children, which he helped build alongside John. But back then, the issue of missing and exploited children had yet to receive the national focus it deserved.

It was John who proposed to Ernie that the county create a special unit bridging the traditional barriers between social services and law enforcement to try to combat this serious problem. They came to me—as the CEO of the county—with this idea, and together we created what I believe to be the first police-social services team in the nation dedicated to solving child abduction and sexual exploitation cases. Eventually, we created Jefferson County's first exploited and missing child unit, with John as its manager. Under John's leadership, almost immediately the unit began to solve cases, rescue victims, and put some very good news on the front pages.

John became famous nationwide as a leading expert on missing and exploited child cases. In 1984, the U.S. Department of Justice asked me to send John and Ernie to Atlanta to consult on a grisly child murder case. John is now so recognized as a leader in this field that he has provided expert testimony to Congress seven times on child abduction and sexual exploitation. He has instructed for the FBI Law Enforcement Satellite Training Network. John has provided consultation at nearly 1,000 hospitals and for over 62,000 personnel in America, Canada, and the United Kingdom on the abduction of newborns in hospitals. He is the author of the book "For Healthcare Professionals: Guidelines on Prevention of and Response to Infant Abductions." Thanks in large measure to his efforts, what was once a recurring problem is now all but eliminated.

John has been recognized by the FBI as 1 of only 27 investigators nationwide with the highest expertise in the investigation of cases concerning missing and exploited children. He has appeared on television shows such as "20/20," "Primetime," "Good Morning America," "Larry King Live," and, of course, "America's Most Wanted" with his friend and my friend, John Walsh.

In 1984, John signed the lease for Office Space for the National Center for Missing and Exploited Children right here in Washington. He began working as that organization's executive vice president and chief operating officer. It is a post he has held ever since. As the National Center's executive vice president and COO, John manages a staff of 350 and a budget of $22 million a year. He is the hub of the wheel for all interagency communication between the FBI, the Department of Justice, the State Department, the Secret Service, the FBI, the Department of Homeland Security, as well as State governments.

When I say John Rabun has a great passion and drive on this issue that has animated his entire career, I mean it. He is absolutely dedicated to rescuing children who would otherwise fall through the cracks.

Back when he was running the Jefferson County Crime Unit, John led the effort to successfully identify and prosecute the pastor of a major local church for sexually abusing over one dozen children in his congregation. After this prosecution, the judge shockingly sentenced him merely to probation with a community service requirement. John leapt from the prosecutor's table and cried: "Your Honor, will you at least stipulate that this community service must involve children?" The 1980s had John in contempt of court. Luckily, the prosecutor quickly scurried John out through a side door before he could be taken into custody and after a few days the heat died down. But this story goes to illustrate a fact literally nothing to see justice is done for those who are weakest among us, our children.

John's lifetime of service to children has directly led to the rescue of over 80,000 kids. Let me share with my colleagues just one success story. About 1 year ago, a Los Angeles police detective contacted the National Center for Missing and Exploited Children for information on a 10-year-old boy who had been missing for many years. In 2004, the child's parents separated, and although the mother received custody, her son was abducted from their home. A search began for the boy and his father, which continued for 7 years. Law enforcement had no leads on the child's whereabouts, suspecting the father may have abducted him back to his native country of Guatemala. Upon receiving the call from that Los Angeles detective, the National Center's case management team quickly coordinated the center's resources with the child's mother and detectives in the Los Angeles Police Department. A missing child poster was created and disseminated throughout California, and detectives were provided with detailed public database searches throughout the National Center's case analysis division.

Just a little over 1 month ago, the center received a lead from a school official who believed he had recognized the boy as a fifth grader at a Los Angeles elementary school. This official had searched the center's Web site, saw the missing child's poster, and contacted the center's 24-hour hot line. The center passed this lead along to police, and I am pleased to say that on January 31 of this year, 8 years after his abduction, this boy was reunited with his mother, and his father was arrested.

Imagine that mother's relief and then multiply that feeling by literally thousands of times. Only I can begin to appreciate the immense service John Rabun has done for his country. So that is why we are all going to miss John so much. No one can say he could have done more; however, neither could anyone say his retirement is not extremely well deserved. I am sure he is looking forward to being able to spend more time with his lovely wife Betsy, a retired schoolteacher, and their two children and five grandchildren.

A national movement on behalf of America's most precious resource, our children, was launched because one social worker in Louisville, KY, saw that too many children were at risk and not enough was being done. If every family impacted by the National Center for Missing and Exploited Children's work could thank John Rabun personally, it might take another 28 years, and he would never get to retire. But on behalf of a grateful and safer America, I hope the recognition of this Senate and the thanks and friendship of this Senator will suffice instead. So thank you very much, John Rabun.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first hour and the majority controlling the final half.

The Senator from Tennessee.

SURFACE TRANSPORTATION ACT

Mr. CORKER. Madam President, I rise to speak regarding the highway bill. We each come into work daily with different thoughts. I come in today very hopeful. The fact is we have a bipartisan bill that hopefully will actually have the finance component of it in the floor soon. We have had it worked through the various committees of the Senate—the Banking Committee, the Commerce Committee, the EPW Committee. I think what this body is waiting for right now is the Finance Committee package, and I know they should get those votes. The reason I come down here, in a very hopeful way, is I think all of us support the highway bill. We want
to see a bill such as this passed. But I think we also want to see it passed in an appropriate way, and some of the earlier renditions that have come out of the Finance Committee, unfortunately, have not paid for this bill. It is my hope that maybe what is happening right now is that there is some work being done to try to make that not the case.

I know the Senator from New York is familiar with the health care debate we had a couple of years ago, and one of the issues that many of the folks on this side of the aisle were concerned about—and I think many folks on the other side of the aisle were concerned about—was some of the gimmickry used to pay for it. We had 6 years' worth of spending and 10 years' worth of revenues. Obviously, people around the country—rightfully so—were concerned about that. What we have at present with this highway bill is something that is even worse than that. We have 2 years' worth of spending and 10 years' worth of revenues to pay for it. Everybody in this body knows there is no family in New York and no family in Tennessee who could possibly survive under that scenario.

I had an op-ed published this morning in the Washington Post talking about the fact that we have had so many bipartisan efforts here to try to deal with deficit reduction. We had the Bowles-Simpson report that came out; we had 64 Senate Republicans, for example, agreement that the Senate giveled—wrote a letter to the President to encourage him to embrace deficit reduction and pro-growth tax reform. We had another group of colleagues who became involved in something called Go BIG, and the whole focus was to deal with the fiscal issues of this country.

I come in somewhat hopeful this morning, but what I fear is happening is because this highway bill is so popular on both sides of the aisle—those who are willing to kick the can down the road in an area where we could—In a bipartisan way—address deficit reduction and get the highway bill on a spend-as-you-go basis, meaning that we pay for it as we go—instead of doing that, because this is an election year and this is a popular bill, both parties—instead of leading on deficit reduction—are going to cave in and basically kick the can down the road because this is “a popular bill.” I want to make that very clear: that is not what the American people sent us to do.

So we have this opportunity to pay for it. I don’t know whether we are going to get where we need to go. As a matter of fact, even though I am hopeful we are going to make progress on this issue, I don’t think we are going to quite get there. I sense in this body a desire to kick the can down the road, to turn our head, to not live up to our responsibilities as it relates to this bill.

So I am going to offer two amendments. One amendment would say: Look, we have a highway trust fund. We have had the transfer of $34 billion or $35 billion into it from the general fund since 2008. We have a trust fund. We ought to either spend the money that comes into it accordingly and reduce the amount of spending on highways or what we should do is lower discretionary caps and not pass this bill. This is a major bill. It is not just simple math—this isn't something such as Medicare reform or something else where we have all kinds of moving parts that are very difficult to deal with—the highway bill is just simple math. If we want to have the ability in this body to deal with just addition and subtraction, there is no way the American people are going to trust us with things such as Medicare reform and Social Security reform and making sure those programs are solvent down the road for seniors who depend upon them.

So what I would say to this body is we have a great opportunity this week and next week to show the American people we are serious about getting this country on a solid footing. There is no better place to do that than on a popular bill. In other words, if we have to make priorities, if we have to make choices, if we have to cut spending in other places to make 2 years of payouts equal 2 years worth of income, there is no better place to do it than on the highway bill. I urge this body to stand tall, to meet its responsibilities, and only pass this bill if it is paid for over the same amount of time that it is extended. So that means all the money that goes out is paid for over the next 2 years. I will be offering amendments to that if the Finance Committee does not in and of itself.

I thank my colleagues for listening, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

GAS PRICES

Mr. LEE. Madam President, the American people need help because they are suffering at the gas pump. With the national average price for gasoline up at around $3.75 per gallon, representing an increase of about 40 cents from a year ago and about 20 cents from just 1 month ago, citizens are suffering and they need relief.

It is important to point out in this context that when President Obama took office, gas prices were at about $1.85 per gallon. Now that they are up to about $3.75 per gallon we can see a steady increase. Over this 38-month period of his Presidency so far, gasoline prices have risen an average of about 5 cents per gallon per month. This is staggering when we think about the fact that he is reelected—that is a total of an additional 88 months. With that increase, gas prices will be up at around $6.60 per gallon.

This is a lot of money. It is staggering. It affects everything we do—from the miles we drive to the products we buy at the grocery store. Everything gets more expensive when the fuel we use to transport ourselves and our products becomes more expensive.

Now, to some extent, one could suggest this was not only foreseeable, but it was actually foreseen. To some, it was considered a desired outcome. Let’s consider, for example, that in 2008, Dr. Steven Chu, who now serves as President Obama’s Energy Secretary, said:

Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

Well, Mr. Chu, it looks as though we are headed in that direction, and if we
continue to follow this administration’s energy policies, we may get there.

As a member of the Senate’s Energy and Natural Resources Committee, I was somewhat surprised when a suggestion was made just a few days ago that there are some who believe that is an appropriate relationship between U.S. production of petroleum and the price of gasoline in the United States. That simply is not true, and it cannot be true. With oil being the most expensive ingredient into gasoline, it is the precursor for gasoline. Anytime we do anything that cuts off or restricts or limits the supply, that is necessarily going to have an impact on the price, and it does.

The fact that it is indisputable that there are other factors which also influence the price of gasoline makes it no less true that we have to produce petroleum at home in addition to buying it from other places. In order to keep gasoline prices at reasonable levels, we need the President to approve the Key- Lance de- regulated public lands in the West open to all kinds of development generally. We need to keep all the Federal lands in my State, the State of Utah—is comparable to the combined petroleum reserves of the top 10 petroleum-producing countries of the world combined—just in one segment of three Rocky Mountain States.

Yet we are not producing it commercially, in part to a very significant degree because that oil shale—especially in my State, the State of Utah—is overwhelmingly on Federal public land, and it is almost impossible to get to, to produce it commercially on federally owned public land. We need to change that.

We need to create a sensible environmental review process for oil and gas production generally. We need to improve the permitting process for offshore development in the Gulf of Mexico and in other areas. We need to allow the States to regulate hydraulic fracturing without the fear of suffocating and duplicative Federal regulations. We need to keep all the Federal lands in the West open to all kinds of energy development. And, of course, we need the President to approve the Keystone XL Pipeline. This will contribute substantially to America’s energy security by providing an estimated 20,000 shovel-ready jobs right off the bat.

There are things we can do to help Americans with this difficult problem—that will affect virtually every aspect of the day-to-day lives of Americans. We need government to get out of the way. We need the government to become part of what the President laudably outlined as an all-of-the-above strategy in his State of the Union Address just recently. We need to get there. We cannot afford gas at $8.60 per gallon, which is exactly where we are headed if we continue to do things as this administration has done, and we end up in the position of paying the price of gasoline at a staggering rate of 5 cents per gallon every single month.

RAILROAD ANTITRUST

Mr. LEE. Madam President,

I stand in this moment in opposition to the railroad antitrust amendment offered by my distinguished colleague, Senator Koori, and I urge my fellow Senators to do likewise.

As the Antitrust Modernization Commission noted in 2007, free market competition is the fundamental economic policy of the United States. In advancing this overarching policy goal, we should be wary of particularized exemptions from our Nation’s antitrust laws. I know Senator Koori shares my view in that regard.

When properly applied, antitrust laws function to help ensure that market forces promote competition, spur innovation, and result in the greatest possible benefit to the American consumer. In many respects, Federal and State agencies enforce antitrust laws in order to forestall the need for burdensome and long-lasting government oversight through economic regulation. If competition thrives and market forces operate properly, there is no need for extensive government intrusion or interference. Likewise, when the antitrust laws do apply, comprehensive economic regulations should not dictate how an industry operates. It, therefore, makes little sense to impose upon a heavily regulated industry an additional layer of government oversight and interference. Through the application of antitrust laws while at the same time leaving in place a comprehensive regime of government oversight through economic regulation. Piling layer upon layer of government interference will not advance the cause of free market competition, innovation, and consumer welfare.

I am concerned that such layering of government regulation is effectively what the Koori amendment does. I am concerned that the reach of antitrust laws to the freight rail industry, the amendment does not remove any authority or jurisdiction of the Surface Transportation Board, the regulatory agency currently overseeing the rail industry. As a result, the amendment simply imposes additional government supervision over the rail industry with attendant increased regulatory burdens and costs as well as inevitable conflicts and uncertainties resulting from a second layer of government oversight over the same activities.

Given the highly regulated nature of the freight rail industry, application of antitrust laws would likely require courts to wade into the complex realm of rate setting and other highly technical matters—a task for which judges are particularly ill-equipped. In addition to this fundamental unsease over multiplying government regulatory burdens, I am also opposed to a number of the amendment’s provisions that seem to reach beyond simply eliminating antitrust exceptions for the rail industry.

First, I worry that section 4 of the amendment limits what is known as the doctrine of “primary jurisdiction” in those antitrust cases that involve railroads. Under this longstanding doctrine, which was established in 1907, a court will normally defer to an expert agency when that agency has jurisdiction over the subject matter of a legal dispute. This doctrine allows courts to balance regulatory requirements with other legal requirements for regulated industries. The primary jurisdiction doctrine is not an antitrust exemption and is not a warrant to disregard agency action, but only with respect to the railroads. As a result, railroads would be singled out for special treatment, leaving the doctrine of primary jurisdiction available to the courts in cases involving electrical utilities and other industries. I am unaware of any compelling justification for this disparity.

My second concern relates to section 7(a) of the amendment which not only repeal antitrust immunity for rail rate bureaus but also repeals procedural protections that facilitate lawful rail transportation services. Because of their non-complex routes, railroads are often not individually capable of providing rail transportation services to all locations that a customer may require that regulations may require. As a result, approximately 40 percent of all rail travel is jointly handled by more than one railroad.

While the railroads must work together to provide through service on some routes in order to meet their regulatory obligations and to meet their customers’ transportation needs, the railroads compete with one another for freight movements on routes not involved with through service, and they are fully subject to the antitrust laws.

Current law provides that proof of an antitrust violation may not be inferred from discussions among two or more rail carriers relating to interline movements and rates. In the conference report for the Staggers Rail Act of 1980, Congress explained that private actions that diminish these evidentiary protections as follows:

Because of the requirement that carriers concur in changes to joint rates, carriers must talk to competitors about interline movements in which they have no interest at all. That requirement could falsely lead to conclusions about rate agreements that were
oppose the amendment and ask my colleagues in the Senate to do likewise. Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

ENERGY

Mr. BINGAMAN. Madam President, I wish to speak for a few minutes about gasoline prices, which my colleague from Utah touched upon only a few minutes ago, also about domestic oil and gas production, and also about access to federally owned oil and gas resources. These are issues that have been raised by numerous Senators on this Transportation bill. They are issues of critical importance to our country’s economy, to national security, and to resource management. I have been increasingly concerned that the issues we are debating and the facts that are being put out there are often not the true facts. There is widespread misunderstanding of what needs to be done to deal with this set of issues, in my opinion.

Let me start with the issue that is most important to most Americans; that is, the price at the pump—the price of oil and then, of course, the price of gasoline. We need to understand clearly what is causing these prices, and we need to be direct with our constituents about what is causing these prices.

Let me state as clearly as I can what I believe is really without dispute among experts; that is, we do not face cycles of high gasoline prices in the United States because of a lack of domestic production, and we do not face these cycles of high gasoline prices because of the lack of access to Federal resources or because of some environmental regulation that is getting in the way of us obtaining cheap gasoline.

As was made clear in a hearing we had in the Senate Energy Committee in January, the prices we are paying for oil and the products refined from oil, such as gasoline, are set on the world market. They are relatively insensitive to what happens here in the United States with regard to production. Instead, the world price of oil and our gasoline prices are affected more by events beyond our control, such as instability in Libya last year or instability in Iran and concerns about oil supply scarcity.

First, I have two charts that I think make this point very clearly. I believe this first chart I have in the Chamber is very instructive. This is entitled “Weekly Retail Price for Premium Unleaded Gasoline. Including Taxes Paid.” There are two lines on the chart. The top line contains the weekly retail prices in Belgium, France, Germany, Italy, the Netherlands, and the United Kingdom. You can see how that has fluctuated. This is through January 2011.

The second chart I have in the Chamber shows U.S. domestic oil production and U.S. gasoline prices between 1990 and 2011. Here, the red line is the change in domestic production year over year. The blue line is gasoline prices. What is striking about the chart is the lack of relationship between the two lines. Even with U.S. production increasing, as it was at some points, oil prices also were increasing and gasoline prices were increasing.

So, while domestic oil production plays an important role in the energy security and the economy of our country, its contribution to the world oil balance is not sufficient to bring global oil prices down. For this reason, increasing domestic production fortunately will not bring down gasoline prices in our country.

We also need to understand the status of domestic production. Here again, the facts are often misunderstood. For example, we have heard the claim that the United States and the Obama administration have turned away from producing the domestic oil and gas resources we possess. The facts are very much to the contrary.

At the hearing we had in January in the Energy Committee, James Burkhard, a managing director of IHS Cambridge Energy Research Associates, described our situation in this country as the “great revival” of U.S. oil production. He next graph, which clearly demonstrates what we are experiencing in the United States. This graph shows the net change in production of petroleum liquids in the United States and in other major oil-producing countries between 2008 and 2011. The U.S. increase is shown by this very large column here on the left. We can see that our increase in production is far greater than that of any other country in the world. The United States is now the third largest oil producer in the world, after Russia and Saudi Arabia.

Another chart on domestic production is also instructive. This chart shows total U.S. oil production between 2000 and 2011. It clearly demonstrates that our recent increases in oil production are reversing several years of decline in that production. We have not had to change any environmental laws or limit protections that apply to public lands in order to get these increases.

This next chart shows the percentage of our liquid fuel consumption that is imported, including the projections the
Energy Information Administration has made out to 2020. The trend is very encouraging. In 2005 we imported almost 60 percent of the oil we consumed. Now we import about 49 percent of the oil we consume. The Energy Information Administration projects that these imports will continue to decline to around 38 percent by 2020. This is an enormous improvement that we would not have thought possible even a few years ago.

Now let me say a few words about natural gas because that is also something which greatly affects utility bills in this country and, of course, is very important to our economy.

The good news continues as we look at natural gas. This graph shows U.S. natural gas production between 2000 and 2011. Our natural gas reserves are such that the United States is expected to become an oversupplied country of natural gas in the next decade. And natural gas inventories are now at record highs—20 percent above their level at the same time last year. In fact, there is so much natural gas being produced, frankly, some companies are shutting in production. They are waiting and hoping that prices improve before they actually sell the natural gas they are able to produce today.

This next chart contains production data for the largest natural gas producers for the years 2008 through 2010. There are three bars here. The green bar is 2010 production, the most recent data available. This chart shows that in 2009, the United States surpassed Russia and became literally the world’s leader in natural gas production. The green bars show that trend continued in 2010.

So, unlike oil, the price of natural gas is not set by the same forces as oil. So, for natural gas, our enormous domestic resources and increased production have a significant effect on the price American consumers have to pay on their utility bills especially. Natural gas prices are near historic lows, and this is important to consumers who depend on this fuel for electricity, for heating. It is good for manufacturers who depend on natural gas. It is good for our economy overall.

Fuel is a major component of our extremely robust domestic oil and gas production is the fact that the number of oil and gas drilling rigs active in the United States exceeds that of most of the rest of the world. As of last week, there were 1,718 oil and gas drilling rigs active, which is the highest number since 2006. Natural gas drilling has also increased, with over 7,000 permits to drill offshore that were not being used. I have heard it over 7,000 permits to drill onshore that are being made available to industry. Production on federally owned resources continues to increase. The increase in this production can be even greater if industry were to explore and produce on a greater percentage of the lands that are offered to them. The lands that are believed to have some of the highest oil and gas resource potential. Before I close, let me return for a moment to the issue of gasoline prices.

Now, as we think about the current situation. Just as oil is not found uniformly everywhere on land but instead is concentrated where the geology is favorable, the same is true offshore. The total acreage on the Outer Continental Shelf is huge. It is 1.7 billion acres. Much of it does not have oil and gas resources that can be economically recovered. More relevant is the amount of the resources that are being made available. As I pointed out, Secretary Salazar has testified that the proposed 5-year oil and gas leasing plan they have put forward would make more than 75 percent of the Outer Continental Shelf resources available for development.

The total 1.7 billion acres is not a useful metric without consideration of which of those acres actually have significant oil and gas resources that are economically recoverable. Much more relevant is the amount of the resources that are being made available. As I pointed out, Secretary Salazar has testified that the proposed 5-year oil and gas leasing plan they have put forward would make more than 75 percent of the Outer Continental Shelf resources available for development.

The bottom line is, an increased amount of Federal acres and resources open and offered for leasing has made available to industry. Production on federally owned resources continues to increase. The increase in this production can be even greater if industry were to lease and explore and produce on a greater percentage of the lands that are offered to them. We believe that some of the highest oil and gas resource potential.

Before I close, let me return for a moment to the issue of gasoline prices. It is clear we are increasing our domestic production significantly, but that gasoline prices continue to rise. So we need to look for other solutions. This does not mean we are powerless to help reduce the price of gasoline. We know what we need to do.

If we want to reduce our vulnerability to world oil prices and to volatility of world oil prices, the most important measure we can take is to find ways to use less oil. One of our colleagues gave a speech a few weeks ago in which he advocated that we produce more and use less. We are doing a pretty good job of producing more, and we need to do a better job of using less. We can do much better in this "use less" part of the equation without affecting the quality of life in this country. We can do that by being more efficient in our use of fuel, by diversifying our sources of transportation fuel away from oil.

We have taken some first steps along this path, notably in the Energy Independence and Security Act of 2007. It passed the Senate with a strong bipartisan vote. That law required us to make our vehicles more efficient and
to shift toward relying more on renewable fuel, and it is working. Demand is down. Biofuel use is up. Consumers save money on fuel for their vehicles. Our percentage of imported oil has dropped by over 10 percent.

How can we continue on this path forward toward reducing oil use and dependence? I think there are three areas we can focus on. First, we need to enable further expansion of our renewable fuel industry, which is currently facing infrastructure and financing constraints. Second, we need to move forward the timeline for market penetration of electric vehicles. Finally, we need to make sure we use natural gas vehicles in as many applications as make sense based on that technology. Every barrel of oil that we are able to displace in the transportation sector and that we therefore do not need to consume makes our economy stronger.

Obviously, it also helps our personal pocketbooks. It makes us less available to the price increases that the current exploitation of oil has in place. This is not to say we should not keep drilling and that the Obama administration should not continue to move forward with its plans to bring even more supplies into the market. We need to innovate and improve the extraction and production technology. It is helpful to our economy and our national security to increase domestic supply, and that is exactly what is happening.

But in the many debates we will have in the future over issues related to gasoline prices, we need to recognize the key issue very clearly is not lack of access to federally owned oil and gas resources. Our public lands contain many resources and uses that Americans value. We do not need to sacrifice science or balance the protection of these other resources and economic interests in order to have robust domestic production.

The long-term solution to the challenge of high and volatile oil prices is to continue to reduce our dependence on oil. This is a strategic vision that President George W. Bush, who had previously worked in the oil industry, clearly articulated in his State of the Union speech in 2006. We subsequently proved in Congress in 2007, the year after that State of the Union speech, that we have the ability to make significant changes in our energy consumption and that it is possible to mobilize a bipartisan consensus market to do that. The bipartisan path the Senate embraced in 2007 is still the right approach today.

As part of whatever approach we take to energy and transportation in the weeks and months ahead, we need to be honest with our constituents about what works, and we need to keep moving in the direction that we began moving in with that 2007 bill. We need to allow the facts and not the myths to be our best guide.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

SURFACE TRANSPORTATION ACT

Mr. MERKLEY. Madam President, I rise to address the surface transportation bill that is on the floor. It has been a mark of the challenges this body faces in deliberation that we have now been on this bill for 3 weeks, and we have not had a debate over transportation and amendments. But hope does spring eternal.

In that spirit, I wished to come to the floor and share some thinking about the amendments that we should be debating in the few days we have left in this process. Certainly, the underlying Transportation bill is a great step toward our No. 1 goal of passing legislation that would create jobs, put people back to work in the hardest hit sectors of our economy.

Building and repairing our transportation infrastructure will create or save 2 million jobs nationwide, good-paying jobs that would provide a huge boost to our struggling construction industry and the industries it supports, the workers, and to our economy. This infrastructure we would be building is a down payment for the success of our future economy.

China is spending 10 percent of its GDP on infrastructure. They are preparing for a stronger economy in the future. Europe is spending 5 percent of their GDP, but in America we are spending only 2 percent. Indeed, it was not but a few months ago that our colleagues on the House side of Capitol Hill said we should cut transportation spending by 30 to 35 percent, which would devastate the infrastructure efforts that are underway, even within the existing 2 percent, the small amount we are spending.

Is it any wonder our communities are struggling to repair the bridges and roads we have, let alone to solve the challenges, the bottlenecks in the transportation lines that need to be addressed in the future. We have made a good start in committee on this bill, despite the paralysis on the floor of the Senate. We had elements of this bill go through four different committees and incorporate good ideas from both sides in each of those committee and come to the floor in a bipartisan fashion.

I wish to share a couple other thoughts to build on this groundwork that came out of our committees, compromises, fixed cap rate, and closing loopholes. The first amendment, No. 1653, is one I am sponsoring with my colleagues Senator TOOMEY and Senator BLUNT. Right now, farmers are exempt from certain Federal regulations when they transport their products in farm vehicles, as long as they are transporting these products inside their own State. But should they venture across State lines, even by just a short distance, then the Federal regulations are triggered. So we have farmers who transport their products to market, to the local grain elevator, if you will, and they have to cross a State border and suddenly their challenge becomes very complex indeed.

For instance, Oregon farmers who live just across the border from Idaho, in these cases, the best market might be the nearest processing facility just across the border. The State farmers are exactly the same as their counterparts elsewhere, except for one small fact, the processing facility is across the border. This arbitrary distinction can mean major differences in how these farmers and ranchers have to do business. It has an impact on things like burdensome regulations, regulations such as vehicle inspections for every trip the vehicle makes, even if the farm vehicle is simply driving from the field to the barn or having to adhere to reporting requirements for things like hours of service rules, even though the farmer is just driving an hour down the road; or obtaining medical certifications meant for commercial truck drivers.

This amendment would simply make life a little easier and more logical for these farmers by exempting them from these regulations designed for interstate transport, not designed to inter-vene or interfere when a farmer is attempting to take his product to market. It would put limits and limits on purpose to make sure it serves the intended function—to get rid of that arbitrary boundary that creates a regulatory nightmare.

A second amendment is related to freight. The freight bill has a freight program to improve the performance of the national freight network. That is a proposal that will help make desperately needed improvements. There are a few technical improvements that would further improve the bill; that is, to recognize that funding should be used in the most efficient and effective way to ensure that high-value goods are being moved quickly to market.

We often think of freight in terms of volume or tonnage. But when we start looking at the high-tech sector, we can have enormously high-value content such as that produced by the microchip industry in Oregon and the roads necessary for that high-value freight gets to market, which drives a tremendous number of jobs. It is just as important to address as are the routes that involve high tonnage and volume.

I turn to a third issue, which is the “Buy American.” I salute my colleagues, SHEEROD BROWN and BERNIE SANDERS, for working on these issues. We already recognize the principle that if we are paying to complete a public infrastructure project in America, it only makes sense for American businesses and workers to do as much of the work as possible.

Unfortunately, there are several loopholes that have undermined this basic premise in recent years. My amendment No. 1599 is an amendment that addresses one of these loopholes.

This summer, construction of a rail bridge in Alaska to a military base will
be undertaken by a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administration, doesn’t have the “Buy American” provision. An American company was ready to build this bridge, but because of this loophole the contract went to a Chinese company using Chinese steel.

Isn’t it frustrating that the infrastructure to provide access to a military base involves jobs and the steel going across the Pacific Ocean?

The Bay Bridge in California put in 12 separate projects so that Federal funds would only apply to a couple of those pieces. This allows the bulk of the building to be done— you guessed it—by Chinese steel, by Chinese workers. My amendment is modeled after a Republican amendment in the House Transportation bill, by Representative CRAVAACK of Minnesota, to close this loophole to avoid putting Americans to work, to avoid the “Buy American” seal.

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Mr. SANDERS. Madam President, over 2 years ago, the Supreme Court rendered what I consider to be one of the worst decisions in the history of the United States Supreme Court, and that is regarding the case of Citizens United. In that case, the Supreme Court, by a 5-to-4 decision, determined that corporations are people, and they have the same freedom of speech and as much money as they want on elections. I think when that decision first came about a lot of people in this country didn’t pay attention to it. They looked at it as an abstract legal decision, unimportant.

Well, today the American people understand the disastrous impact that this decision has had because what they are seeing right now on their television screens all across this country is a handful of billionaires and large corporations spending huge amounts of money on the political process, and the American people are asking themselves really what these people fought and died for when they put their lives on the line to defend American democracy? Is American democracy evolving into a situation where a small number of millionaires can put hundreds of millions, billions of dollars into the political process in this State and that State, in Presidential elections, and then elect the people who will govern this country?

I believe very strongly the American people do not think that is appropriate, and I am very happy to say that yesterday, on Town Meeting Day in the State of Vermont—I think my small State has begun the process to overturn this disastrous Citizens United decision. We had 55 towns at town meetings demand the Congress move forward to overturn Citizens United and restore American democracy to the concept of one person, one vote.

What we do on Town Meeting Day in Vermont, all over our State, is people come together and argue about the school budget, argue about the town budget. They debate the issues, and then they vote. What people in Vermont are saying is they do not want to see our democracy devolve into a situation where corporations are determining who will govern our Nation.

So I am very proud that in the State of Vermont just yesterday 55 separate towns voted to urge the Congress to move forward on a constitutional amendment to overturn Citizens United. I hope we will heed what the towns in Vermont are saying. I hope other towns and cities in States all over the country will move forward in that direction. I hope the day will come—sooner rather than later—where the Congress will entertain a constitutional amendment and bring it back to the Senate.

Madam President, at this difficult moment in American democracy, it is imperative that we stand and reclaim our democracy and say to the millionaires and the large corporations: Sorry, this country belongs to all of us and not just to you.

Mr. SANDERS. Madam President, I ask unanimous consent to have printed in the RECORD the names of the 55 towns that passed resolutions yesterday to overturn Citizens United.

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


I am proud to sponsor a constitutional amendment which would overturn Citizens United and return the power to regulate elections to Congress and the states. In the coming weeks and months I hope to see more towns, cities, counties, and states pass similar resolutions.

Mr. SANDERS. Madam President, I yield the floor, and I suggest the absence of a quorum.

The Acting President pro tempore. The clerk will call the roll.

The Assistant Legislative Clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I rise to speak about an issue of great importance to millions of my constituents in New York, our Nation’s transportation system, particularly public transit. This is the very lifeline that millions rely on to get to and from work every day. It is a way home, a way to get 16 every single day to their families at night. Various proposals that have been put forth throughout the course of the debate in both the House and the Senate would actually slash funding for mass transportation advanced by the House Republicans last month to eliminate the mass transit account of the highway funds was a stunning misunderstanding of our Nation’s transit needs. Cutting off public transit from its traditional funding source without providing viable alternatives is irresponsible. In fact, former Congressman and now Transportation Secretary Ray LaHood called the House bill “the worst transportation bill” he had ever seen.

Let me state some clear facts. New York’s Metropolitan Transit Authority is the Nation’s largest public transportation system, operating over 8,000 rail and subway cars and nearly 6,000 buses. On an average weekday, nearly 8.5 million Americans ride these trains, subways, and buses operated by the MTA to commute to work or to visit the city. These are critical sources of economic revenue, not just for New York but for our country. Moving these riders into cars flies in the face of any sound environmental public policy and furthers our dependence on Middle Eastern oil.

Increasing costs for our Nation’s transit riders should be rejected out of hand by the Senate. I will continue to work with my colleagues to ensure that we do what is responsible and that we maintain transit funding to encourage the use of mass transit and reduce our dependence on foreign oil. I understand we have many very difficult decisions to make as we debate this bill, but I think stopping New York’s transit system in its tracks is simply not a credible solution.

I also have a few amendments for this bill. Each of them is equally important and they address different issues. The first one I wish to address affects me as a mom of two young boys who I know will want to be driving at 16. Kids all across America cannot wait for that day when they get their driver’s license. But there are terrible statistics about teen deaths. In fact, one statistic showed 11 teens die every single day because of distracted driving accidents. The problems have been affected by those horrible high school tragedies, of kids dying in a car accident on their way home from the big game, on their way from the prom, every scenario we can imagine.

We have to give our teens better tools, better training, so when they get to become full-time drivers and have all the various permissions allowed, they are ready for that. We can imagine the scenarios in our own minds as parents, I know. Think about texting and driving. One cannot imagine how deadly distracted driving is in our country. Imagine the young driver who does not have a lot of judgment. Imagine the young driver who has five other kids in the car and they are coming back from the big game and they are all excited and they are all listening to the music and it is nighttime. Those are risky situations where we know if we give those drivers more training before they are in those risky situations, they will be able to handle them better.

Experts agree the graduated driver’s license, basically gradually phasing teens into the driving experience with different responsibilities and different permissions as they get older, is the way to begin to address some of these risks. It has been a proven effective method in many States that have already instituted graduated driver’s licenses. So I think we need to have a national priority, a priority that says they must as a State put in some basic training requirements, some measure of graduated driver’s license. We can guarantee when these kids get on the road they have the skills and tools they need to keep themselves safe, their passengers safe, and the other drivers on the road are safe as well.
As parents, as people who set public policy for our Nation, we should be making the safety and well-being and the lives of at least those 11 teens every day who die a priority, and this is a proven way to do it and we can do it.

The second amendment basically increases economic opportunity. New York is unusual in that we are a border State. We share a border with Canada. There is so much opportunity for cross-border transactions and cross-border commerce and change is very simple. It gives authority to our States to invest in critical border crossings, such as freight and passenger rail systems. By providing this very simple change, States such as New York, California, Vermont, and Texas will be able to choose to enhance these crossings and increase many more economic engines to address our tough economy.

The last amendment, equally important, is about jobs. How do we create the economic environment to get America working again? One way is to increase our pipeline, actually do better training for jobs that are available. One of the ways we can do that is this pilot program, already proven effective elsewhere. The Construction Careers Demonstration Project, approval 1648. Basically, it is a proven common-sense strategy for at-risk workers to give them an opportunity to be trained in the building and construction trades so they find employment, they provide for themselves and we reduce unemployment. It is a very simple change. It is just a pilot program.

I urge my colleagues to support these three amendments and focus on how we can pass a good, useful, beneficial transportation bill which will get our economy moving.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mrs. MCCASKILL. Mr. President, I ask to speak as in morning business for up to 5 minutes.

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

TRIBUTE TO JUDGE JIMMIE EDWARDS

Mrs. MCCASKILL. Mr. President, I rise today to speak about a new and successful program for at-risk youth in St. Louis—the Innovative Concept Academy—and about its founder, my friend, Judge Jimmie Edwards. Before I talk about the school and the incredible work Judge Edwards has done in the St. Louis community, I wish to spend a moment talking about his childhood roots.

Judge Edwards grew up on the north side of St. Louis in the shadows of the city’s Pruitt-Igoe housing project. The residents of this housing project faced many challenges, including drug and gang activity, violence, and sometimes acute poverty. But through discipline, hard work, and determination, Judge Edwards rose above these circumstances. He earned his bachelor’s and law degrees from St. Louis University before transferring to the University of Missouri and was appointed to the State bench in 1992, and for 4 years he has served as the chief judge of the St. Louis Family Court’s Juvenile Division.

During his service on the bench, Judge Edwards became increasingly concerned about the number of young repeat offenders coming into his courtroom time and time again, only to be sent back to the same troubled environment and their behavior in the first place. From his own experience, he knew that offering these kids the opportunity for a proper education and for mentoring was absolutely critical to breaking the cycle.

In 2009 Judge Edwards, together with the St. Louis public school district, the Family Court Juvenile Division, and the nonprofit organization MERS/Goodwill Industries, founded Innovative Concept Academy, a unique educational opportunity for juveniles who had already been expelled from the city’s public schools and who were on parole. These young people, whom many would have given up on, found a formidable advocate in Judge Edwards and the academy. From the beginning, Innovative Concept Academy has been devoted to helping at-risk youth achieve success through education, rehabilitation, and most importantly, in his mission—to enrich the learning environment for some of our most troubled kids—has resulted in second chances for these young men and women to dramatically improve their lives.

At the start, Judge Edwards planned on providing educational and mentoring services to 30 students who had been suspended or expelled due to Missouri’s Safe Schools Act. When he asked the Missouri Department of Education for a building to use for the program for 30 students, they asked him if he wouldn’t mind taking on the responsibility of 200 more. This was a challenge he accepted with his usual enthusiasm and can-do attitude.

During the first year of its existence, the academy saw 246 students move through its doors. Today the academy teaches at-risk youth between ages 10 and 18 and has an enrollment of over 400. Students are visiting our Nation’s Capitol this week with Judge Edwards, his wife Stacy, his daughter Ashley, and his son John, along with chaperones. Here today, along with Judge Edwards and his family are its founder, my friend, Judge Jimmie Edwards.

The Innovative Concept Academy provides these students and many like them with so many important services—a quality education in a safe environment, on-one mentoring with school staff, counselors, deputy junior judges, and police officers, and opportunities in extracurricular and afterschool activities, many of which are often new experiences for these students, including golf, chess, dance, classical music, and creative writing: uniforms, meals, and so many other necessities are provided; and with tough love and important lessons about discipline, respect, anger management, goal setting, and follow-through.

All of this allows the students to meet their full potential, and St. Louis has seen positive results already. The academy has an attendance rate of over 90 percent. Let me repeat that. The academy has an amazing attendance rate of over 90 percent, and we are seeing significant improvement in these young people’s grades. And the students are responding positively. For example, at the end of the first semester of the academy, 85 percent of the students had graduated. Forty of the students ended and the students were supposed to return to their home school. Almost every student asked if they could stay at the academy because they know the academy is a special place where they can improve their lives.

The Innovative Concept Academy has garnered national attention. Judge Edwards has appeared as a guest on a number of major network shows and most recently was honored by People Magazine as one of its 2011 Heroes of the Year. But, for him, it is not about the magazines or the interviews; for him, it is still about the kids.

I am proud that Judge Edwards hails from my home State of Missouri and from my hometown of St. Louis. His compassion for those whom society may have given up on and his common-sense and innovative approach to solving the problems facing so many young men and women is inspirational. He is compelled by his duty to serve and uplift the next generation no matter what the circumstances. He said it best when he observed that “if the community and that includes judges, does not take it upon itself to educate the children, then our community and what we stand for will be no more.” This notion that we all succeed together, not worrying about taking the credit, and a can-do attitude, it is amazing what we could accomplish on behalf of the American people.
Mr. President, I yield the floor for my distinguished colleague, the Senator from Missouri, Mr. BLUNT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

Mr. BLUNT. Mr. President, I thank my colleague for all the comments she has made about Judge Edwards, his family, and the school. This truly is a remarkable story. I know both of our staffs have been telling us for some time now of incident after incident of young people’s lives that are being changed by this school, by a judge who decided he needed to get outside the courtroom to make a difference in the lives of kids.

In fact, People magazine calls this the “School of Last Resort.” It is a chance, it is an opportunity of which many are taking advantage.

Judge Ohmer, presiding judge of the circuit where Judge Edwards works, put out the following statement. He said:

The editors of PEOPLE magazine have selected St. Louis Juvenile Court Judge Jimmie Edwards as one of the publication’s ‘Heroes of the Year’ for 2011. Judge Edwards was profiled in a recent issue of the magazine and the announcement was made in the November 7, 2011 issue.

Quoted in this comment from his colleague, the magazine said:

“We chose men and women who reached across boundaries to help strangers or worked within their communities to make bonds. From Logan, Utah . . . to Judge Jimmie Edwards of St. Louis who started a school for wayward teens, the 2011 winners are big no-nos [at the school]. ‘Kids need to understand what it means to be civilized,’” says Edwards.

Another rule: “No Loitering.”

Edwards wears his kids out with after-school programs. He is so tired that they can’t do anything but go [home and go] to sleep, get back up and start [the day] all over again.”

Then maybe the best rule of all: “No Quitting.”

“As long as you’re trying,” says Edwards, “you’re succeeding.”

This is being proven time after time, day after day: One person can make a difference, and the way this one judge has made a difference is inspiring a lot of other people to come together and make that difference, and then inspiring these kids and others who care about them to decide that this is the school of last resort, but the school of last resort can produce lots of great results, and we are seeing that happen. I am an optimist in our State and hope that Judge Edwards’s example becomes an example for community after community around this country. I yield back the floor and suggest the absence of a quorum.

The PRESIDENT. The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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. BARRASSO. I ask unanimous consent to speak as if in morning business and engage in a colloquy with my colleagues for up to 20 minutes.

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor this week after week, as a physician who has practiced medicine in Wyoming for almost one-quarter of a century to give a doctor’s second opinion about the health care law, a law that I believe is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and terrible for taxpayers.

March 23 of this year, a little over 2 weeks from now, will mark the second anniversary of the President’s health care law being signed. Two years ago at this time, Democrats in Congress said the Americans would learn to love this law as a matter of fact. On March 28, 2010, the senior Senator from New York Mr. SCHUMER said: As people learn what’s exactly in the bill, 6 months from now by election time—the election of 2010, remember—this is going to be a plus. Because the parade of horribles, particularly the worries that the average middle-income person has is that this is going to affect them negatively, those will have vanished and they will see it will affect them positively—many will.

Here we are 2 years later. We know that is definitely not the case. The health care law is more unpopular today than it was when it was passed and NANCY PRIOLO FIRST, you have to pass it before you get to find out what is in it. The more the American people have learned about the President’s new law, the less they like it. Maybe that is why the White House and Democrats in Congress are hoping this 2-year anniversary of the health care law passes quietly and without great fanfare, while Republicans believe the American people deserve to know exactly how this law is going to impact them as well as the health care they receive.

So in the lead-up to the second anniversary of the law, I am going to talk about specific ways the law has actually made it worse for the American people—something I believed from the beginning would happen and now, 2 years later, we are seeing is specifically the case: It has hurt jobs, it has driven up costs, it has given Washington more control over Americans’ health care, and I believe it has weakened Medicare.

Today, Senator CORNYN and I are going to focus on how the law threatens Medicare and specifically our seniors trying to get a doctor, our seniors trying to get health care, and how this new Washington board, called the Independent Payment Advisory Board, has had that impact. It is an unaccountable board. It is a group of unelected bureaucrats who will decide how to fund the care that is covered by Medicare.

So I come to the floor with my colleague Senator CORNYN. He has been traveling around the State of Texas as much as he can to talk about the State of Wyoming talking with seniors, visiting with them, asking about their needs. They have great concerns about what is happening with this health care law, to the point that this week the House of Representatives is actually working in a bipartisan way to repeal this Board, these unelected, Washington-appointed bureaucrats. To me,
Wyoming Senator BARRASSO, who has been not only a Senator but a medical doctor and who has been on the receiving end of government policy, that while it may be well intended, backfires, particularly this bipartisan support now we have seen in the House of Representatives Energy and Commerce Committee today, where they voted to repeal this Independent Payment Advisory Board—Independent Payment Advisory Board, IPAB—not IPOD, IPAB.

The reason this is so important, and I would like to ask my colleague, from his long experience as a medical practitioner, the purpose of this 15-member, unelected, unaccountable bureaucracy to actually set prices for health care, what happens if, to the exclusion of all other health care reform, the IPAB or the Federal Government generally cuts reimbursement to providers? It would seem to me we get a phenomenon that we get the illusion of coverage, but we have no real access to health care.

The experience we have had in Texas is, for example, Medicaid and the President's health care bill puts a whole lot of people into Medicaid, but only about one-third of Medicaid patients can find a doctor who will see a new Medicaid patient. In the Dallas-Fort Worth area, one of the most populous parts of our State. I know, particularly in many rural areas—and I know Wyoming has a big rural population as well—many times it is hard for seniors to find a doctor who will see a new Medicare patient, again, because reimbursement rates are so low.

So I would like to ask the Senator from Wyoming what his experience has been in that area.

Mr. BARRASSO. My experience is exactly what the Senator describes. He said the words “the illusion of coverage.” When the President talked about the health care law, so often he wasn't actually talking about care; he was using the word “coverage,” and he was trying to use those words interchangeably. But coverage is not care, because someone having a card doesn’t mean they can actually see a doctor. We see that with Medicaid now, with its low levels of reimbursement. With seniors having trouble getting to see a physician, this has a significant impact when a board, an independent payment advisory board—15 unelected bureaucrats—decides they are going to decide how much to pay for a doctor’s visit, how much they are going to pay a hospital for a bypass surgery or a hip replacement, which is an area of my specialty. That hospital has to decide if they are going to provide that service. That is what the IPAB inflicts on us.

In rural communities, if the reimbursement is so low—and I have heard this from doctors in Wyoming. If the reimbursement level is so low for a procedure that is primarily, if not exclusively, done on people of Medicare age—and we can think of those things that are more likely to happen with someone over the age of 65—the hospital may ultimately decide they cannot continue to afford to provide those services and keep the doors open to a hospital. So seniors in that community will then be denied access to the care in their own community because a hospital may no longer do or provide that service, whether it is by-pass heart surgery, whether it is total joint replacement. That senior then has to travel greater distances to try to find someplace to do that. The hospital may look at reimbursement for a procedure or different kinds of technology and say: The reimbursement is so low we are not going to upgrade our x-ray equipment or our MRI machine.

Again, that community would suffer.

The reason this is so important, and I would like to ask the Senator from Wyoming, it seems to me what the Senator is describing is what is going to happen in Wyoming. But it is because of this Board that the President wants to be the one to essentially, it looks to me, do the rationing of care.

Mr. CORNYN. Mr. President, I ask the Senator to the Dallas-Fort Worth area, it seems to me what the intent is behind this Independent Payment Advisory Board and the President’s health care law, sometimes called the Patient Protection and Affordable Care Act—I think it needs to be named “Unaffordable Care Act” for reasons we can go into later.

But the purpose behind it we can all understand; that is, to try to contain health care costs and spending by the Federal Government. Of course, health care inflation is going up much faster than regular inflation of the Consumer Price Index.

It strikes me that, as in a lot of the policy debates we have in Washington and Congress, we all agree we need to do something to contain costs, but we disagree about the means to achieve that affordability that we all know we need and to contain the inflation of health care costs. I would like to ask my colleague, rather than have Congress dictate the quality of care in this area to an unelected, unaccountable group of 15 bureaucrats, from which there is no appeal and which would have the consequence, as he said, of limiting people’s access—because if all they are going to do is cut provider payments to hospitals and doctors, then fewer and fewer doctors and hospitals are going to be able to see those seniors. Does he see any alternative that would perhaps help contain costs more by using transparency, patient choice, and good old-fashioned American competition? I am thinking, in particular, about the rare success we have seen in the health care plans containing costs in the Medicare Part D Program, to me, perhaps a model even where seniors have a choice between competing health care plans and where they get their prescription drugs. But because of the choices they have and the natural competition that occurs, we get market forces disciplining costs. Indeed, it is a very popular program, but the projected costs for Medicare Part D have come in at about 40 percent less than what was originally projected. It strikes me that is one of the missing elements with outsourcing of this responsibility to this unelected, unaccountable group of bureaucrats, because the only thing they try to do is cut provider payments.

Does the Senator see any alternative along the lines of Medicare Part D or otherwise?

Mr. BARRASSO. I think the two key words I heard the Senator from Texas say are “choice” and “competition” because those things put the patient at the center. It is patient-centered care, not government-centered care, not insurance company-centered care, but patient-centered care. It is something we have been talking about for years on the Senate floor, at least on this side of the aisle, to put the patient at the center to give them the choice, as well as have the availability of the competition.

The concern I have—and I was at a statewide meeting in Wyoming with a number of our veterans and their families and I asked the simple question: How many believe their health care costs are going up, every hand went up, every hand. Over 100 people there in Casper and over 100 hands went up. They all believe they are going to end up paying more under the President’s health care plan than they would have had it not been passed. That is what we are seeing from a lot of the research as well, the admittance that the costs are going up even faster under the health care law than if it hadn’t been passed.

Then we ask the critical question the Senator from Texas has referred to the room went up. How many believe the availability of their care and the quality of their care under the President’s new health care law will go down, again, every hand in the room went up.

These are all people who believe this health care law, crammed through Congress, crammed down the throats of the
American public at a time when they were shouting: No, we don't want this—
the American people believe it made it worse and that they are going to end up paying more and getting less for something they didn't ask for at all.

The public did have concerns from the beginning, which is what generated the whole discussion about health care and reform. What patients are looking for is the care they need, from the doctor they want, at a cost that is affordable. Under the President's health care law, they are losing all three.

Mr. CORNYN. Mr. President, I thank the Senator from Wyoming for his response. I think that shows there is an alternative to this outsourcing of our responsibilities to try to make care more affordable to this group of unelected, unaccountable bureaucrats and cutting provider payments, which actuaries who will accept that card is the bigger concern. Because of what this board may do and is likely to do under the demands of the health care law, those on Medicare today and those coming onto Medicare may have a harder and harder time finding a doctor and a hospital for them.

Let's face it, today about 10,000 baby boomers will turn 65. Yesterday about 10,000 baby boomers turned 65. Tomorrow about 10,000 baby boomers will turn 65. We need to make sure Medicare is there and secure for the current generation as well as the next generation and generations to come.

Mr. CORNYN. Mr. President, as we approach the 2-year anniversary of the Patient Protection and Affordable Care Act—otherwise known as ObamaCare—there are a lot of things you are going to hear from across the street at the Supreme Court of the United States on the constitutional challenge to this individual mandate, which is a very important constitutional question for the Supreme Court to decide—whether there is any limit to the power of the Federal Government when it comes to forcing you to buy a product approved by the government and penalizing you if you do not do it, whether that is within the constitutional power of the Congress under the commerce clause. Then there are other important questions about the workability of the law, the affordability of the law.

I think today we can just see if we could work together in a bipartisan approach to repeal the 2% requirement. Senator Reid is the only one, as the majority leader, who can bring it to the floor, but hopefully, in light of the bipartisan support this has on the House side, he will see fit to do that. I do believe we have a bipartisan reason to eliminate this this, and that is why I am supporting this legislation.

Mr. CORNYN. I would like to ask my colleague one final question. Whenever we talk about reforming, saving, and securing Medicare and how we can keep the promise we made to seniors that when people reach the appropriate age, they can actually qualify for this benefit and it actually will be there for them and people do, in fact, pay into this fund, and they expect to get their money's worth back—sometimes the charge is much that various reform proposals will destroy Medicare as we know it.

I would like to ask the Senator from Wyoming, a medical doctor by profession, whether Medicare as we know it, as currently constructed under the President's health care bill, with this IPAB provision in place—does it have any chance of survival as it currently operates now with this new board of unelected, unaccountable bureaucrats setting prices and limiting access? Because doctors and hospitals simply cannot afford to provide the service at that cost. Doesn't that have the potential to radically transform Medicare as we know it? And does that mean people have come to know that once doctors and hospitals are not able to provide the care they need, from the doctor they want, at a cost that is affordable, they will be able to find a doctor who will treat them for the price the government is willing to pay.
Mr. BARRASSO. I thank the Senator for the efforts on his part to repeal this terrible idea that was a fundamental part of the President’s proposal. It is one reason I think the health care law is even more unpopular today than the day it was passed and signed into law almost 2 years ago.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. 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. JOHNSON. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HONORING OUR ARMED FORCES
WISCONSIN CASUALTIES

Mr. JOHNSON of Wisconsin. Mr. President, I come to the floor today to pay tribute to America's sons and daughters who have fallen in the line of duty and in the service of our great Nation who gave their lives to preserve the liberties upon which America was founded, the finest among us who, because they cherished peace, risked their lives by becoming warriors on our behalf.

Who are more sacrificial than the lives our service men and women choose to lead? They love America, so they spend long years separated from their loved ones, deployed in faraway lands. They revere freedom, so they sacrifice their own so that we may be free. They defend our right to live as individuals by yielding their own individuality in that noble cause. They value life, yet bravely ready themselves to lay down their own in humble service to their comrades-in-arms, their country, and their Nation.

For more than 234 years, our service men and women have served as guardians of our freedom. The cost of that vigilance has been high. Since the Revolutionary War, more than 24 million men and women have served in our military and more than 1 million of those selfless heroes have given their lives. Wisconsin has borne its share of that great sacrifice. Since statehood, 27,000 of Wisconsin's sons and daughters have given their lives in military service. Since September 11, 2001, we have lost 143 brave souls with ties to Wisconsin. Since I took office last January, 13 more have perished. Statistics cannot possibly convey the weight of these losses. After all, statistics are merely numbers that could never fully communicate the qualities of these fine men and women whose promising lives were cut far too short. Statistics say nothing of their unfulfilled hopes and dreams. So instead of numbers such as 1 military, 27,000, 143, or even 13, I would like to ask everyone to think for a moment about a much smaller but still staggering number, the number 1.

Each of these men and women was a loved one cherished by family and friends. Each was a loss to their community and to this great Nation. Each paid a price that we must never forget. We must also remember the sacrifice made was not theirs alone. Every family, every friend and every comrade experienced profound loss, sadness, and grief. The tragedy multiplies; it is not contained. For those left behind, the pain may slowly subside, but the wound will never heal.

Two weeks ago I had the privilege of bearing witness to the sacrifice of one of Wisconsin's fallen heroes and the courage of those he left behind. On February 22, a grateful Nation laid ILT David Johnson of Mayville, WI, to his final rest at Arlington National Cemetery. I was honored to join David's loving and proud parents Laura and Andrew, his sister Emily, and his brothers Matthew and Michael as they said their final goodbyes. Out of sheer coincidence, I was scheduled to intern in my office this week and is with us today. It is fitting that we acknowledge his loss and sacrifice.

The Johnson family loved their brother and son. They loved him dearly and were heartbroken to lose him. I pray that they find God's peace and comfort today and in the tough times ahead as they deal with this overwhelming and tragic loss.

Lieutenant Johnson was only 24 years old when he died of injuries suffered after encountering an improvised explosion device on January 25 while leading his men in Kandahar Province, Afghanistan.

In addition to Lieutenant Johnson, today I would also like to pay tribute to the other Wisconsin heroes who gallantly gave their lives since I took office last January.


We must also remember the sacrifice of those selfless heroes who gave their lives to preserve the liberties upon which America was founded, the finest among us who, because they cherished peace, risked their lives by becoming warriors on our behalf.

Many more Wisconsin's sons and daughters have given their lives in the line of duty and in the service of our great Nation who gave their lives to preserve the liberties upon which America was founded, the finest among us who, because they cherished peace, risked their lives by becoming warriors on our behalf.

May God bless and comfort their loved ones with peace. May he watch over those who have answered the call and are serving today and those who will serve in the future. May God bless America.

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

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

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

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

HONORING DOUG AND SAMANTHA LEVINSON

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

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

HONORING DOUG AND SAMANTHA LEVINSON

Mr. NELSON of Florida. Mr. President, this Friday will mark 5 years since FBI agent Bob Levinson disappeared while on a business trip as a retired FBI agent. He was on a business trip to Kish Island in the Persian Gulf.

It is a part of Iran. That is 5 long years since his wife Christine has been without a husband and 5 long years that her seven children have been without their father.

Over those 5 years I have spoken many times about Bob—a retired FBI agent and a resident of south Florida—from the floor of the Senate and so many other venues. Just yesterday I met with his wife she joined FBI Director Robert Mueller and Deputy Director Sean Joyce in announcing a $1 million reward for information leading to Bob's safe return. So in southwest Asia billboards will soon start to appear announcing that $1 million reward, and it is in southwest Asia that we know Bob is being held.

Today I wish to talk about his children because tomorrow in Miami the Society of Former Special Agents of the FBI will honor Bob's ten youngest children—his son Doug and his daughter Samantha, both of whom, along with their other siblings, have persevered through this very difficult time.

Doug was in the seventh grade when Bob disappeared. This year he will graduate from high school, on his way to college. He has excelled academically and athletically and has grown to almost his father's height. Bob will be shocked at how tall Doug is, but he will be shocked at how proud of all that his son has accomplished.

Samantha, Bob's daughter, was in high school when Bob disappeared. In 2012.
just a few weeks she will graduate from college. Samantha has been a resident adviser and a proud member of her sorority. She interned at Disney where she hopes to work after graduation. Again, when her father returns, he will be so proud.

To honor Bob’s children, and standing in solidarity with one of their own, the Society of Former Special Agents of the FBI will award to Doug and Samantha scholarships to assist with the cost of college. I thank that society and the agents to have protected us so much over the years. I thank them for their service and for their kindness. I congratulate Doug and Samantha for all they have accomplished under such very difficult circumstances.

To Christine Levinson, this heroic woman who has stood so strong in the midst of great adversity for 5 years——I say to Christine and her children that this government will not rest, none of us will rest until we have brought Bob home, and as so many to that day of celebrating with them and celebrating with all of Bob’s friends and his former colleagues.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The clerk will call the roll of the Senate. The legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

Mr. ENZI. Mr. President, first, I want to say how important roads and bridges are. We are on the highway bill, and that is one of the main advantages the United States has had—having excellent transportation. Of course, that is particularly important in my own State because we want people to be able to go to the first national park, which is Yellowstone National Park, and another gorgeous park, the Grand Teton National Park, and a place called Fossil Butte National Monument, where people can actually fish for 60 million-year-old fish. We have a spot in the middle of the State where people can help dig up dinosaur bones—and if you dig one out by yourself, you get it named after you—or the first national monument, Devils Tower, which is from Wyoming and Utah. And, of course, we are a corridor between those Western States too. So we know how important roads and bridges are. We need to do that, and we need to do it now, but we should do it the right way.

So I want to refer to an amendment that I have filed, No. 1645. My amendment is very simple and straightforward. It would allow the gas tax to be adjusted with inflation—not with the price of gas, with inflation. This is not a new idea, and it certainly is not a very popular idea, but this is the debate the Senate needs to have.

The long-term viability of the highway trust fund is incredibly important to our States. The underlying proposal the Senate is debating would pay for transportation and infrastructure projects and programs for the next 2 years, but it does not address the future of these programs, nor do the financing proposals fit within the time-frame for realistic objections to paying for 2 years of spending with 10 years of revenue.

Let me stop on that issue for a moment. We are spending money in 2 years that it will take us 10 years to pay for. We are spending American people are serious about the deficit and serious about spending when we allow money to be spent five times as fast as it comes in?

If the Senate wants to keep the highway programs viable through a trust fund instead of subjected to the general fund, which any accountant or banker would say is bankrupt, we need to either cut spending or generate more revenue. Those are the two choices.

Let me refer to the lot of amendments that I offered to the bill before the Senate. Four committees have worked on it. Four committees have filed amendments that have been included in the version we are seeing. I appreciate that many of my colleagues are working to reduce the mandates on the States as well as consolidate and eliminate programs. That is good. Those are steps we need to take. Even with some serious streamlining, however, the highway trust fund will not have enough revenue to meet the current obligations of the fund. We can certainly give States more flexibility in how they prioritize the Federal funds they receive.

We should not and cannot ignore that with this bill we are just buying time. Buying time is something the Federal Government has been doing for decades, and that has gotten us into this serious financial mess. We are buying time with borrowed money. The borrowing of funds, and some of it is from countries we would rather not be borrowing from.

I want to share some charts with you. You may only be able to discern what I say, and what I say is what appears in the Senate Record, not the charts.

These have a lot of numbers on them. I am an accountant, so I get excited over numbers. Too many numbers, but it still makes the point. What we have done away with is the ИКС balances. For the highway fund, starting in 1993, which was the last time we passed the gas tax. That was 18.3 cents. This column shows the total revenue received. For the most part they have been going up, which means more gas has been bought.

But here are the expenditures, and you will see what effect that has had on the closing balance in the trust fund. We have had quite a few years when there was some money in there—right after 1993 when the gas tax more closely matched the cost of construction, and as we get out here in 2001, we can see that it drops significantly and keeps dropping. At balance, at the end of 2012, it is going to be $11.4 billion. Of course, we are spending more than that just in this one bill.

So next year it will be a minus $2.8 billion and $18.7 billion, and then $34.7 billion. Those are deficits I am talking about. Those are deficits in the trust fund, which means in those years we are going to have to get the money from somewhere else. It winds up in 2016 at being a $50.7 billion deficit to the trust fund. That is what we are doing generally with all of our accounting, but it shows up here in front of the pumps. Just as she was about to leave, she said: Wait a minute. While I have been talking, the price has gone up 20 cents.

So we are seeing some huge changes there, but not with the gas tax. If we had enacted the indexing in 1993, the last time Congress adjusted the gas tax, there would have been an increase of 11 cents in the gasoline tax over 19 years. Excluding the one-tenth of 1 cent that is added to the base tax rate for the leaking underground storage tanks, the rate would adjust from 18.3 cents a gallon in 1993 to 29½ cents per gallon today.

That is what this chart shows. It shows the amount of inflation there have been over those years, so the amounts the gas tax would have gone up in each of those years to provide a fund that would actually help us with building the roads and bridges, and it would be at 29.5 cents per gallon today. In that same timeframe gasoline prices have risen from $1 per gallon to $3.50 per gallon or more. It was $4 in the example I was giving off the television. As we get out, how much inflation have we had? More than 3.5 cents a gallon a year. So we have had increases in the tax every year.

We are going to see a deficit in the fund starting in 2013. I do not think we have addressed that.

S0 if my amendment were enacted, what kind of an adjustment to the tax rate would we see? If this amendment had been enacted last year, in 2011, this January—the tax does not go into effect until the year after the inflation is measured. This January the tax would have increased by one-half of one cent per gallon. The price of a gallon of gas today in America denies is absolutely necessary. We have to have roads and bridges.

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also State taxes included in the $1 gasoline price, 18 cents out of a dollar. Now the 18 cents is part of $4 a gallon.

Don’t you think construction costs have increased based on the cost of a gallon of gas alone? Remember, the gas tax is not just paid on roads and bridges, but cannot anymore, causing us to use very bad financing methods—stealing from pension funds with no way to pay it back, using 10 years’ of projected revenue to pay for 2 years’ of construction.

What do we do for the money in 2 years? Roads and bridges will always need construction. Our economy runs on construction. The construction industry has mixed feelings about my proposed amendment. They are for it as long as it does not bring the bill down. My intent is not to bring the bill down but, rather, to make it a viable bill. Of course, my amendment will not make it a viable bill all by itself. The Bowles-Simpson Commission deficit report to increase the gas tax by 5 cents a year for 3 years to have a viable fund.

Here are the quotes from that deficit commission. The President appointed the deficit commission. They looked at everything. Roads and bridges alone, this is what they came up with: 15-cent-per-gallon increase in the gas tax over a 3-year period; limit spending to match the revenues; the trust fund collects. That is what we are failing to do right now. The current deficit commission was trying to figure out how to get ourselves out of the hole we are in right now. This is what they came up with just for the highway fund.

So with my amendment, it indexes with the inflation. It does not start until next year. It is just a way to test the waters to see if there is enough courage in this body to take a very minimal step. My amendment does not solve the shortfall of the highway trust fund, nor would it fully pay for this legislation. It is just a small step in the right direction. It is a step in getting the highway trust fund back to what it was created to be, a dedicated pot of money to use the roads.

Folks might think that as the price of fuel goes up, so does the Federal gas tax. That is not true. Whether the price of gas is $1 per gallon or $4 per gallon, the Federal tax remains the same. Again, the fund collected 18.3 cents per gallon in 1993. Construction costs have increased, and now we only collect the same 18.3 cents for a $4 gallon of gas. If we were being successful with some alternate means of transportation, the amount of gas would go down as people used those other ones, but it is not.

I am sensitive to the fact that the gas prices are high right now. I am always looking for ideas on how we can work to bring those prices down. With the increase of $0.15 per gallon in Wyoming alone, high fuel prices have a disproportionate effect on the residents of my State.

The President said there is not a silver bullet to bring the prices down. That is right, but it is a failure on the Administration’s policies, having done everything possible to increase the price of fuel. While there might not be a silver bullet, there are a number of actions that will make a real difference.

One reason gas prices are high is that the supply is limited, and tensions in the Middle East have further strained that supply and encouraged speculators.

To fix the supply problem, we should be producing American energy wherever it is possible. Instead of blocking production, the President should be encouraging us to develop American energy in Alaska and off the Outer Continental Shelf. Yes, production is up, but it is not from Federal lands. That is shut down. It is coming from private land where a permit does not take a lifetime of investment and delay. Federal lands are down 12 percent in production. We should be enacting policies that encourage energy production on public lands in Wyoming and other Western States rather than relying on oil from the Middle East and Venezuela.

President Obama stated he wants to improve the Keystone XL Pipeline so we can get as much supply as possible from friendly nations such as Canada before they feel enforced to sell it all to China, who is buying up energy worldwide. China understands that in 20 years the country with the energy will have the power. I am not talking about electrical power; I am talking about world power.

Gas prices are high because of the regulatory uncertainty created by the administration’s relentless pursuit of policies that are designed to make energy more expensive under the guise of halting climate change. Rather than arguing over new taxes for the oil and gas industry, we should be working to rein in the Environmental Protection Agency to stop those regulations that make it impossible for businesses to plan.

We have a permitting problem. When I talk about the number of acres ready to be drilled, the leaseholder cannot get the bureaucrats to turn loose the permits.

Of course, Energy Secretary Chu recently confirmed that his energy policy is to create conservation by having our gas prices reach the same level as Europe. Well, unless we do something with the gas tax at his desired $7 a gallon, we will still only get 18.3 cents a gallon for the critical highway fund.

We are really trying to make the cost to construct with revenue, the radical suggestion would be for the gas user fee—and it is a user fee. If you do not drive on the roads, you do not need to buy the gas. You do not need to pay the gas tax. Without those two, there would be a percentage of the cost of a gallon of gas if we were really being radical.

But be clear, we are not doing that. We are probably not doing any of this. We need to do everything we can to cut gas prices. We do not have to do just that. In fact, we are debating some of these issues on this legislation because the majority refuses to debate them using regular order. However, the issue of gas prices is entirely separate from the issue of determining how we should pay for highways.

We have set up a trust fund that is supposed to take care of road and bridge needs. I might mention that changing the formula to miles driven in your home State just is not the time to be talking about any other tax. There is no doubt that the gas tax is not the time to be talking about any other tax. There is no doubt that individuals and businesses are still stressed in this economy and are struggling to make ends meet. People in rural States such as Wyoming have few options. They have to drive long distances for many of their needs. Several of my colleagues have said to me: This just is not the time to be talking about the gas tax.

I must ask: When will the time be right? Members of this Congress do not want to tackle this topic when the economy is strong nor do they want to tackle the topic when we have economic challenges. When revenues to
The highway trust fund were meeting the needs of the highway program, no one wanted to consider that there might be a time when the revenue could not keep up with the needs to maintain our highway system.

We are pennies away from insolvency of the highway trust fund. When is the right time to talk about the revenue stream for the highway trust fund? We need to start today. My amendment is a small step to address the long-term viability of the highway trust fund. It is a small step to get us moving toward living within our means and maintaining our roads with the money we have not the money we wish we had.

I probably cannot get a vote on this minimal increase, but it does test the water. I would be happy to revise my amendment to any reasonable level that Senators would support. We cannot continue to kick this conversation down the road for another 2 years. We cannot lie to our constituents about the state of the highway trust fund. We should not steal from other trust funds, and we should not do unapproved long-term financing for short-term projects.

We have to pay for the road programs, a dedicated funding stream paid for by those who use the roads.

I hope my colleagues will take a hard look at my amendment, take a look at the plan under Simpson-Bowles, and study the ideas out there. Let’s have a real debate on how to preserve this dedicated funding for our roads.

In Wyoming, we have an optional sales tax for projects by communities and counties. The construction project is stated, and the people get to vote for this increase in their taxes. As long as the money is used to pay for the promised projects, the voters continue to approve additional projects with additional taxes. It has happened for 30 years in Wyoming. People will allow focused taxes for what they know they need if they believe that is what it will be spent for. And I say they know the needs for roads and bridges.

When is it the wrong time to do the right thing? I believe most everyone in this Chamber knows this is the right thing. Let’s stop our constituents from taking it that way too. A vocal few won’t, but the reason congressional approval is at a record low is because so many live in fear of taking the votes that will fix the problems. We have a chance to change that with this amendment. I hope my colleagues will take a serious look at it and fund the highway fund the way it was intended. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKLEY). The clerk will call the roll.

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

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

BENEFITS OF FREE ENTERPRISE

Mr. KYL. Mr. President, last week I came to the floor to talk about how free enterprise helps people achieve earned success and thus helps them pursue true happiness. Today I want to talk about another moral benefit of free enterprise—its effectiveness in reducing poverty and promoting economic mobility.

This is an important conversation to have since President Obama has made income and class inequality the centerpiece of his reelection campaign. For example, in his Osawatomie, KS, speech last year, he said:

"This is a make-or-break moment for the middle class and all those who are fighting to get into the middle class. I believe that this country succeeds when everyone gets a fair shot, when everyone does their fair share, and when everyone plays by the same rules."

He followed up with similar themes in the 2012 State of the Union speech, saying that he believes in "an America where hard work, where responsibility was rewarded, and anyone could make it if they tried—no matter who you were, where you came from, or how you started out."

Of course, these are quintessential American values in no dispute. But the President’s soaring rhetoric is at odds with the reality which is that middle-class prosperity was achieved in the last two centuries, the world’s average per capita income has skyrocketed by about 10 times. These are major moral achievements.

Yes, some people are richer than others, and that is true in all nations whether characterized as market economies or not. But where it exists, free enterprise has helped make the poor make tremendous gains, and they continue to climb. In the modern era of globalization, we have seen this on an unprecedented scale. Since 1970, as economic freedom has grown in developing countries such as China and India, the number of people living on $1 a day has plummeted by 80 percent, according to a recent study.

What about President Obama’s arguments that free enterprise has harmed middle-class prosperity? Over the past quarter century, economic studies have shown otherwise. Indeed, as Hoover Institution fellow Henry Nau pointed out in a recent Wall Street Journal article, middle-income earners have become richer and many have leaped into the upper-middle class.

Between 1980 and 2007, a period Nau calls "the Great Expansion," the United States grew by more than 3 percent per year and created more than 50 million new jobs, "massively expanding a middle class of workers," in Nau's words. Nau continues:

"Per capita income increased by 65 percent, and household income went up substantially in all income categories. . . . In the past three decades, households making more than $105,000 a year doubled to 24 percent from 11 percent."

These are remarkable increases in wealth. What policies produced this expansion? Again quoting Nau:

"Precisely the free-market policies of deregulation and lower marginal income-tax rates that [President] Obama is fighting."

If the President wants to increase class mobility and prosperity and build on the successes of the "Great Expansion," then he must turn away from...
the statist policies that have dominated his 3 years in office. As Brooks and Wehner write:

The answer is not less capitalism, it is better capitalists.

And I would add, that includes the President and his advisers.

Most centrally, our policies must reward hard work and merit for the simple reason that people are more successful and industrious when they get to keep more of the fruits of their labor.

That is what we call earned success. Their prosperity flows to others when they open businesses, create jobs and new products, compete for workers, raise wages, and invest their profits, which can then be lent to other entrepreneurs. But when market forces are restricted—when taxes are too high and regulations are too stifling—entrepreneurship loses its appeal. If people think outcomes are predetermined by the government, they don’t have incentives to compete.

A 2005 study by economists Alberto Alesina and George-Marios Angeletos underscores the point. They found that beliefs about meritocratic rewards are self-fulfilling. They concluded that if a society thinks people have a right to enjoy the fruits of their effort, it will choose low taxes and have lower tolerance for redistribution. Effort will be high in these places. Conversely, they found that if citizens believe the system is rigged and that luck and connections are the key determinants of success, then they will demand forced wealth redistribution and effort will be lower in these places.

Simply put, if people think the system is inherently unfair, it will wind up that way. That is precisely what has happened in countries such as Spain and Greece, where outcomes are divorced from effort, and, to a large measure, bureaucrats and special interests dictate who gets economic rewards.

Since everyone does better when effort is rewarded, then protecting merit-based success is a moral issue. Indeed, the first American immigrants left countries with too little opportunity for advancement to come here and earn rewards based on merit and be the masters of their own destiny. Polls have shown that, over the years, Americans have not grown tired of the merit-based system but instinctively support it. U2 singer Bono colorfully explained why individualism in America is so great:

In America, the guy looks up at the mansion on the hill and says, “One day, if I really work hard, I am going to live in the mansion on the hill.” In Dublin, they look at the mansion on the hill and say, “One day I’m going to get that guy.”

Free markets breed a culture of aspiration and mobility, in which people reject the politics of envy and instead focus on advancing themselves and their own success. If our goal is to foster such a positive culture of achievement, then we must eschew class warfare in favor of the free-market policies that have done so much to boost prosperity both at home and abroad. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. BLUNT. Mr. President, I wish to speak on the amendment I have offered with my friend, Senator CASEY from Pennsylvania, on the highway bill, amendment No. 1546.

In my State, and I think in the whole country, the question we hear over and over again is: Where are the private sector jobs? What can we do to get the economy back on track?

There are very few places the Federal Government can create private sector jobs. One of the few places we can do that is in public works, such as the highway bill, where most of the work to build a new bridge or a new highway is done by competitive bid and by private sector or private sector employees. While we probably take a different approach to how we get there, I think all of us understand it is critical we work together to find common ground to create jobs and to create economic growth.

This infrastructure bill could be—and I hope it turns out to be—a good start. There is no doubt that infrastructure is the foundation of our economy. Quality transportation is vital to connect people and communities, to connect people to the places they work, to connect the products they make to the places they need to go. That doesn’t happen without a good infrastructure program and one that maintains and expands as needs to be the infrastructure that we have. This bill can provide that additional element to get our economy back on track.

At the heart of the problem for small towns and for local governments in so many States, and particularly in Missouri, is the bridge system that is not part of the Federal structure. It is the so-called off-system bridge network, where local communities are responsible for bridges.

Missouri has perhaps more bridges than any other State. In one of our counties just recently where the county itself—and we have 115 counties. So unlike some of the Western States, the counties aren’t huge. They are designed to be compact, and people could get across them in the 1830s and 1830s in 1 day, before automobiles. So we have lots of counties, and I of them has 148 bridges. Our smallest county by population, with only 4,000 people, has 100 bridges. So every 40 people in that county are essentially responsible for maintaining those bridges and expensive. That off-system bridge network carries schoolbuses, emergency vehicles, lots of agricultural products, families going about their daily routine. Without those bridges, that local infrastructure doesn’t work.

What we are suggesting and calling for in this amendment is simply to continue the current policy. I am not talking about any new program for bridges. But the bill itself doesn’t continue the 15 percent of the bridge funds that has been allocated for some time now to local government. This would continue to have that same 15 percent going to local governments. There are almost 600,000 bridges in the country—more than 590,000, and 50 percent of those are considered off-system, and approximately 28 percent of that 50 percent are currently considered deficient. Thirty-two percent of the bridges in Missouri in the off-system bridge are currently deficient. They neither aren’t adequate for the traffic they now carry or are in need of repairs. One out of three bridges in our State needs an improvement.

The new penalty section of the underlying bill that would replace the current off-system bridge program makes that program even more uncertain at times when communities and local governments need it the most. Without our amendment, States would only have to sustain the previous number of deficient bridges every other year in order to avoid investing in their off-system bridges. It is a formula that doesn’t work. It might work in big communities that have lots of miles that they maintain, but I doubt that. I think this makes an inconsistent investment in bridges all over the country.

Our amendment ensures that counties are not left bearing the full responsibility of these off-system bridges. If they are left bearing that full responsibility, many of these bridges will not be fixed. This has been a major source of opposition for this bill. This amendment would provide the States and counties the proper tools and resources and the assurance of a steady flow of funding in order to invest in the Nation’s bridges.

Additionally, the amendment establishes a procedure where the Transportation Secretary can rescind this requirement if State and local officials determine they have adequate needs to justify these expenditures. In other words, if they can’t justify spending these monies in their own jurisdiction, the Federal Government clearly doesn’t have to allocate that 15 percent to local communities and to States for the off-system program.

When I listen to community leaders, and certainly when I listen to county commissioners, this is a topic that comes up in most of our counties with great concern. The counties where it doesn’t come up wouldn’t have to apply for the money. That 15 percent, allocated appropriately, will make a big difference. Community leaders and job creators are looking for things that allow them
to prepare for a more certain future. They need the ability to look beyond 6 months or 1 year to plan and anticipate how they are going to repair bridges, which bridges they are going to look at this year, which bridges they will then put off until next year. But right now, they should have no way of knowing whether there would be any Federal assistance to these communities. We need to be sure we provide this certainty for off-system bridges if we are going to promote job creation and economic development. We have to work together in the Nation’s Capital to make smart investments in our Nation’s transportation system if we are going to provide communities and job creators with greater certainty to prepare for the future.

I wish to thank Senator CASEY for his hard work on this issue. I am glad to join him on this amendment. It is critical to the State of Missouri and many other States. The National Association of Counties, the National League of Cities, the National Conference of Mayors, the National Association of County Engineers, the American Public Works Association, the National Association of Regional Councils, and the National Association of Development Officials are all in support of this amendment. I hope we have it included in the amendments we get to vote on, and I urge my colleagues to join in this bipartisan effort to create more certainty for local governments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. KLOBUCAR). The Senator from Tennessee.

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

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

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

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

WIND TURBINE SUBSIDIES

Mr. ALEXANDER. Madam President, today in the Wall Street Journal there coincidentally was an editorial on the subject about which I speak, and this was an editorial about Blow With the Wind. Another industry wants to keep its tax subsidies.” It is about the possibility that the Senate will be asked—maybe as early as the next few days during the debate on the Transportation bill—to extend yet 1 more year the Federal taxpayers’ subsidy for large wind turbines.

I would like to take a few minutes to say why I don’t believe we should do that, and I ask unanimous consent that following my remarks the Wall Street Journal editorial be printed in the RECORD.

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

(See exhibit 1.)

Mr. ALEXANDER. Madam President, I believe it is time for Congress to stop the Big Wind gravy train. Subsidies for developers of huge wind turbines will cost taxpayers $14 billion over 5 years, between 300 and 500 times more than the Joint Tax Committee and the Treasury Department. This is more than the special tax breaks for Big Oil, which Congress should also end. $6 billion of these Big Wind subsidies will come from the precious resource for renewable energy, which Congress temporarily enacted in 1992. The prospect for the expiration of this tax break at the end of this year has filled the Capitol with lobbyists hired by investors wealthy enough to profit from the tax breaks. President Obama even wants to make these tax credits permanent. According to the Wall Street Journal, this is a “make or break moment” for wind power companies.

There are reasons the Big Wind subsidies should go the way of the $5 billion annual ethanol subsidy, which Congress allowed to expire last year. First, we cannot afford it. The Federal Government borrows 40 cents of every dollar it spends. It cannot justify such a subsidy for what the Nobel Prize-winning U.S. Energy Secretary calls a “mature technology.”

Second, wind turbines produce a relatively puny amount of expensive, unreliable electricity. Wind produces 2.3 percent of our pollution-free electricity, less than 8 percent of our pollution-free electricity. One alternative is natural gas, which is abundant, cheap, and very clean. Another alternative is nuclear. Reactors power our Navy and produce 70 percent of our pollution-free electricity. Using windmills to power a country that uses one-fourth of all of the world’s electricity would be the energy equivalent of going to war in sailboats.

Finally, these massive turbines too often destroy the environment in the name of saving the environment. When wind advocate T. Boone Pickens was asked whether he would put turbines on his Texas ranch, Mr. Pickens answered: No, they’re ugly.

A new documentary movie, “Windfall,” chronicles upstate New York residents debating whether to build giant turbines in their town. A New York Times review of this film reported: "Turbines are huge: Some are 40 stories tall, with 130-foot blades weighing seven tons and spinning at 150 miles per hour. They can fall over or send parts flying; struck by lightning, say, they can catch fire. Their 247 rotation emits nerve-racking low frequencies (like a pulsing disco) amplified by rain and moisture, and can generate a disorienting strobe effect in sunlight. Giant flickering shadows can tarnish a sunset’s glow on a landscape.

Let’s consider the three arguments one by one. First, the money. For all the hoopla about Big Oil, you may be surprised to learn that special tax breaks for Big Wind are greater. During the 5 years from 2009 to 2013, Federal subsidies for Big Wind equal $14 billion. I am only counting the production tax credit and the cash grants that the 2009 stimulus law offered to wind developers in lieu of the tax credit. An analysis of that stimulus cash grant program by Greenwire found that 64 percent of the $1.9 billion highest dollar—or about $2.7 billion—went to projects that had begun construction before the stimulus measures started.

Steve Ellis, the vice president of Taxpayers for Common Sense, told Greenwire: It’s essentially funding economic activity that already would have occurred. So it’s just a pure subsidy.

According to President Obama’s new budget, Big Oil receives multiple tax subsidies. Doing away with them would save about $4.7 billion a year in fiscal year 2013 or about $22 billion over 5 years it says. So far it sounds like Big Oil with $22 billion, is bigger in subsidies than the wealthy enough to profit from the tax breaks. President Obama even wants to make these tax credits permanent. According to the Wall Street Journal, this is a “make or break moment” for wind power companies.

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the first 10 years that the turbine is in service. This 2.2-cent credit is worth 3.4 cents per kilowatt hour in cash savings on the tax return of a wealthy investor. Wind developers often sell their tax credits to Wall Street banks or big corporations for other investors who have to meet income minimums. They create what is called a tax equity deal in order to lower or even eliminate taxes. This is the scheme our President, who is championing economic fairness, would like to make permanent.

Endorsement: Daniel Yergin, the Pulitzer prize winner, says the price of oil during 2011, when adjusted for inflation, is higher than at any time since 1860. It therefore makes no sense whatsoever to give special tax breaks to Big Oil. Neither does it make sense to extend special tax breaks to Big Wind, a mature technology. For every $3 saved by eliminating these wasteful subsidies, I would spend $2 to reduce the Federal debt and $1 to double research for more forms of cheap, clean energy for our country.

The second problem with electricity produced from wind is there is not much of it, and since the wind blows when it wants to, and for the most part, it forms be stored, it is not reliable. For this reason the claims in newspapers about how much electricity wind produces are misleading because of the difference between the capacity of an energy plant and its actual production.

Daniel Yergin says the U.S. installed capacity for wind power grew at an average annual rate of 40 percent between 2005 and 2009. In terms of absolute capacity, Yergin writes in his book The Quest, that growth in capacity was the equivalent to adding 25 new nuclear plants. But Yergin writes: In terms of actual generation of electricity, it was more like adding nine reactors. This is because nuclear plants operate 90 percent of the time while wind turbines operate only 30 percent of the time.

As an example, the Tennessee Valley Authority constructed a 29-megawatt wind farm at Buffalo Mountain at a cost of $60 million. It is the only wind farm in the Southeast.

We read in the papers about a 29-megawatt wind farm, but that is not its real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time, since the wind is very much in the Southeast. So this wind farm, sounding like a 29-megawatt power plant, only generates 6 megawatts. TVA considers Buffalo Mountain to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert.

So one problem with this Big Wind subsidy is that it has encouraged developers to build wind projects in places where the wind doesn’t blow or the wind doesn’t blow very much.

Finally, there is the question of whether in the name of saving the environment wind turbines are destroying the environment. These are not your grandma’s windmills. They are taller than the Statue of Liberty, their blades are as long as a football field, and their blinking lights can be seen for 20 miles. Not everyone agrees with T. Boone Pickens that they are ugly but, when these towers move from televisions sets to the sides of your neighborhoods, you might agree with Mr. Pickens. Energy sprawl is the term conservation groups use to describe the march of 45-story wind turbines onto the landscape of “America the Beautiful.”

If the United States generated 20 percent of our electricity from wind, as some have suggested, that would cover about the size of West Virginia with 180,000 wind turbines. It would also be necessary to build 12,000 new miles of transmission lines.

The late Ted Kennedy and his successor Senator Scott Brown have both complained about how a wind farm the size of Manhattan Island will clutter the ocean landscape around Nantucket Island.

Robert Bryce told the Wall Street Journal that the noise of turbines, the “infrasound” issue, is the most problematic for the wind industry. “They have complained about the noise, the low frequency noise is very disturbing,” he explains. “I interviewed people all over, and they all complained with identical words and descriptions about the problems they were feeling from the noise.”

Theodore Roosevelt was our greatest conservation President, and his greatest passion was for birds. Birds must think wind turbines are Cuisinarts in the sky.

Last month, two golden eagles were found dead at California’s Pine Tree wind farm, bringing the total count of dead golden eagles at that wind farm to eight carcasses. And the Los Angeles Times reports that the U.S. Fish and Wildlife Service “has determined that the six golden eagles found dead earlier at the 2-year-old wind farm in Kern County were struck by blades from some of the 90 turbines spread across the 8,000 acres at the site.” That puts the death rate per turbine at the Pine Tree wind farm at three times higher than at California’s Altamont Pass Wind Resource Area, which has 5,000 turbines that kill 67 golden eagles each year.

Apparently eagle killing has gotten so commonplace that the U.S. Department of the Interior will grant wind developers hunting licenses for eagles. In Goodhue County, MN, a company wants to build 48 turbines on 50 square miles of land, and to do that it has applied for an “eagle take” permit which will allow it to kill a certain number of eagles before facing penalties.

I have figured out how such a hunting license squares with federal laws that will put you in prison or fine you if you kill migratory birds or eagles. Nor have I figured out how it squares with the Fish and Wildlife Service fining Exxon $600,000 in 2009 when oil development harmed protected birds. Do not the same laws protecting birds apply to both Big Wind and Big Oil?

Surely, there are appropriate places for wind power in a country that needs clean electricity and that has learned the value of a diverse portfolio of energy sources. But if reliable, cheap, clean electricity without energy sprawl is our goal, then four nuclear reactors—each occupying 1 square mile—would equal the production of a row of 50-year wind turbines stretching along the entire 2,178-mile length of the Appalachian Trail from Georgia to Maine.

According to Benjamin Zycher at the American Enterprise Institute, a 1,000-megawatt natural gas powerplant would take up about 15 acres while a comparable wind farm would take up 48,000 to 60,000 acres. And, of course, even if someone built all of those turbines, you would still need the nuclear or gas plants for when the wind doesn’t blow.

Our energy policy should be, first, double the $5 billion Federal energy budget for research on new forms of cheap, clean, reliable energy. I am talking about such research for the 500-mile battery for electric cars, for compressed air storage for coal plants, solar power installed at less than $1 a watt, or even offshore wind turbines.

Second, we should strictly limit and support a handful of jumpstart research and development projects to take new technologies from their research and development phase to the commercial phase. I am thinking here of projects like ARPA-E, modeled after the Defense Department’s DARPA, that led to the Internet, stealth, and other remarkable technologies. Or the 5-year program for small modular nuclear reactors.

Third, we should end wasteful, long-term, special tax breaks such as those for Big Oil and Big Wind. The savings from ending those subsidies should be used to double clean energy research and to reduce our Federal debt.

For a strong country, we need large amounts of cheap, reliable, clean energy, and we need a balanced budget. This is an energy policy that could help us do both.
some $5 billion in subsidies for nearly every stage of wind production.

The ‘‘1605 grant program’’ pays up to 30% of the construction costs for renewable energy projects that ended last year but which President Obama calls for reviving in his budget. Billions in Department of Energy grants and loan guarantees also finance the necessary infrastructure and lines. Wind producers then get the 2.2% tax credit for every kilowatt of electricity generated.

Because wind-powered electricity is so expensive, more than half of the 50 states have passed renewable energy mandates that require utilities to purchase wind and solar power—a de facto tax on utility bills. And don’t expect the utilities to build transmission lines to deliver wind power to the electric grid.

What have taxpayers received for this multibillion-dollar ‘‘investment’’? The latest Department of Energy figures indicate that wind and solar power accounted for a mere 1.5% of U.S. energy production in 2010. DOE estimates that by 2035 wind will provide a still trivial 3.9% of U.S. electricity.

Even that may be too optimistic because of the natural gas boom that has produced a happy supply shock and cut prices by more than half. Most economic models forecasting that renewable energy will become price competitive on predictions of natural gas prices at well above $6 per million cubic feet, more than twice the current cost.

The most dishonest claim is that wind and solar deserve to be wards of the state because the oil and gas industry has also received federal support. That’s the billion a year in tax breaks for oil and gas (which all manufacturing), but the oil and gas industry still pays tens of billions in federal taxes every year.

Wind and solar companies are not tax beneficiaries. They would save billions of dollars if wind and solar produced no energy at all. A July 2011 Energy Department study found that oil, natural gas and coal received an average of $44 cents of subsidy per megawatt hour in 2010. Wind power received nearly 100 times more, or $56.29 per megawatt hour.

Most Congressional Democrats will back anything with the green label, but Republican support for big wind is a pure corporate welfare handout paid for by the other denomination—outside groups. Last week six Republican Senators—John Boozman of Arkansas, Scott Brown of Massachusetts, Charles Grassley of Iowa, John Hoeven of North Dakota, Joni Ernst of Iowa and John Thune of South Dakota—signed a letter urging their colleagues to extend the production tax credit.

‘‘It is clear that the wind industry currently requires tax incentives’’ and that continuing that federal aid can help the industry ‘‘move towards a market-based system,’’ said the letter. What’s the ‘‘market-based, timetable—100 years? In the House 18 Republicans have joined the 70-Member wind pork caucus. Someone should remind them that in 2008 a small lobbying gave 71% of its PAC money to Democrats.

Here’s a better idea. Kill all energy subsidies—renewable and nonrenewable, starting with the wind tax credit, and use the savings to shave two or three percentage points off America’s corporate income tax. Kansas Congressman Mike Pompeo has a bill to do so. The idea to create jobs began attempting to pick energy winners and losers. Mandating that American families and businesses use expensive electricity doesn’t create it deserves.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Di- gest proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:30 p.m.

Thereupon, the Senate, at 5:03 p.m., recessed until 6:30 p.m. and reassumed at 6:43 p.m. when called to order by the Presiding Officer (Mr. BENNET). 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.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Pennsylvania.

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

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

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Continued

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

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

CAPITAL FORMATION

Mr. TOOMEY. Mr. President, it is probably clear to all of us that the American people have a very high level of frustration with the lack of productivity of this Congress. The fact is, when we go home to our respective States and ask, what did I hear last week as I traveled across Pennsylvania. People ask me: Why can’t you guys work together? Why can’t you get something done? Why does it seem there is so much partisan bickering that you can’t come together even on simple things that could help grow this economy, help make progress in these very difficult times?

Well, on this front I think we have some good news, and I am delighted to talk about this tonight. I hope this early sign of good news reaches fru- ition and we actually have a meaningful accomplishment soon in this body as well as the other body.

Specifically, I am referring to the work that has been coming together of late on a series of capital formation bills that will help small and growing companies raise the capital they need to expand, to hire new workers, to help improve our economy and give us a healthier economy with the job growth we badly need.

In particular, I want to thank House majority leader ERIC CANTOR. Congressmen CANTOR took the step of pull-
company to issue a modest amount of debt or equity without being subject to the full range of very costly regulations. The limit has been at $5 million for many years, and the bill that Senator TESTER and I have proposed would raise that limit to $30 million. It has not been updated in almost two decades, and there is no question that raising the ceiling would allow a lot of companies that need to raise substantially more than $5 million the ability to do so and to thereby grow.

The third bill I want to mention is S. 1824, the Toomey-Carper bill. It has to do with the limit on the number of shareholders a closely held company can have without triggering the full burden of Sarbanes-Oxley. Currently, that limit is at 500 shareholders. If you reach 500 or go above 500, then you are treated as a public company such as ExxonMobile for reporting purposes. That might have been appropriate many years ago, but in the modern era where communication is so much easier, access to information is so much greater and so much faster, the necessary information for shareholders can be distributed more broadly, more quickly, more easily, it is high time we raised that limit from 500 to 2,000 as this bill would do. I appreciate Senator CARPER’s support for this legislation.

This is a bill that has a companion measure in the House that was raised at the House Financial Services Committee. They voted on it. They voted by voice vote and approved it. By voice vote that means, generally speaking, there is no opposition and nobody bothered to cast a roll call vote because everybody supported it. That is a big, broad committee that represents virtually every constituency in the House of Representatives, and it was passed by a voice vote. This has very strong and broad support.

The third bill I want to mention is S. 1933, the Schumer-Toomey bill. The technical name is Reopening American Capital Markets to Emerging Growth Companies Act. We call this more colloquially, the on-ramp bill. The reason we call it that is because we in Congress have been doing the best we can for our country, for our economy, for medium-sized businesses and good for our small and medium-sized businesses. That was why we did the Sarbanes-Oxley bill, and certain features within Sarbanes-Oxley are enormously complex and expensive to comply with. Our bill says if you are a relatively small company—specifically, less than $1 billion in revenues or less than $700 million in public float, the amount of stock that is traded, then you can do an IPO without having to comply with all of the Sarbanes-Oxley regulations immediately. Over time you will have to comply if you exceed those thresholds that I mentioned, or within 5 years. In any case, you have to comply as everybody else does, but at least you have the opportunity to grow and the ability to make sure the expense that is associated with it.

A companion measure to this bill—an identical version in the House was considered by the House Financial Services Committee, and that passed just a few days ago. The President indicated he supports it and wants to sign it. I don’t think we should waste any time at all in passing the legislation that will be good for small and medium-sized businesses and good for their ability to grow and hire more workers.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. MANCHIN.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, first of all, I don’t think apologies are in order. We have been doing the best we can for several days now. We have a typical agreement, not one that either side jumps for joy about. In the near future, we are going to be able to finish this important piece of legislation.

Mr. President, I ask unanimous consent that the motion to recommit be with the understanding that the pending second-degree amendment be withdrawn; that the Reid of Nevada amendment No. 1761 be agreed to; that the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments be the only first-degree amendments remaining in order to S. 1813: Vitter No. 1535; Baucus or designee relative to rural schools; Collins No. 1660; Coburn No. 1738; Nelson of Florida, Shelby, Landrieu No. 1822, with a modification in order if agreed to by Senators Nelson of Florida, Shelby, Landrieu, and Baucus; Wyden No. 1817; Hoeven No. 1537; Levin No. 1818;
McConnell or designee with a side-by-side to Stabenow No. 1812; Stabenow No. 1812; Demint No. 1589; Menendez-Burr No. 1782; DeMint No. 1756; Coats No. 1517; Brown of Ohio No. 1819; Blunt No. 1540; Merkley No. 1653; Portman No. 1736; Coburn No. 1617; Corker No. 1785, with a modification; Shaheen No. 1678; Portman No. 1742; Corker No. 1810; Carper No. 1670; Hutchison No. 1568; McCain No. 1699, modified with changes at the desk; Alexander No. 1779; Boxer No. 1816; and Paul No. 1556; that March 9, 2012, be the time to be determined by the majority leader, after consultation with the Republican, the Senate proceed to votes in relation to the amendments in the order listed; that the following amendments be subject to a 60-vote affirmative threshold: Vitter No. 1535; Baucus or designee relative to rural schools; Collins No. 1660; Coburn No. 1738; Nelson of Florida—Shelby-Landrieu No. 1822; Wyden No. 1817; Hoeven No. 1537; McConnell or designee side-by-side to Alexander No. 1812; Stabenow No. 1812; DeMint No. 1589; Menendez-Burr No. 1782; that there be no other amendments in order to the bill or the amendments listed other than the managers' package and there be no points of order or motions in order to any of these amendments other than budget points of order and the applicable motions to waive; that it be in order for a managers' package to be considered and, if approved by the managers of a two leaders, the managers' package be agreed to; further, the bill, as amended, then be read the third time and the Senate proceed to a vote on passage of the bill, as amended, and if the bill is passed, it be held at the desk; finally, that when the Senate receives the House companion to S. 1813, 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. 1813, as passed Senate, in lieu thereof; that the House bill, as amended, be read the third time, a statutory pay-go statement be read, if needed, and the bill, as amended, 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 that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator Coburn permitted to speak therein for up to 10 minutes each.

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

ADDITIONAL STATEMENTS

FREDERICK COUNTY, MD CHAMBER OF COMMERCE

Mr. CARDIN. Mr. President, I wish to recognize the 100th anniversary of the Frederick County Chamber of Commerce, the first chartered chamber in the United States. When the United States Chamber of Commerce was formed at a conference held by President Taft in April 1912, four delegates from the Frederick County Board of Trade were in attendance. Inspired by the conference, the Frederick County Board of Trade applied for membership to the newly formed chamber the very next day.

The newly renamed Frederick County Chamber of Commerce committed itself to serving the business interests of Frederick County. During the ravages of the Great Depression, the chamber was a beacon of hope, advocating for Federal work programs and organizing the Community Chest, now known as the United Way of Frederick County.

Over the past 100 years, the Frederick County Chamber of Commerce has successfully promoted economic vitality in Frederick, and has been a crucial partner to countless local businesses and organizations. The Frederick Arts Council and the Tourism Council of Frederick County were both chamber initiatives that grew into independently successful organizations. The Chamber has also been a leader in promoting women and minority-owned businesses. In 1989, the chamber worked with the NAACP to form the People’s Opportunity and Information Center, and in 1997 they welcomed their first female president.

Today, the Frederick County Chamber of Commerce works with nearly 1,000 member businesses to expand Frederick County’s economy and improve the quality of life for Frederick County residents. By bringing business leaders together to tackle challenges and proactively plan for the future, the Frederick County Chamber of Commerce has strengthened the community and the region.

I ask my colleagues to join me in congratulating the Frederick County Chamber of Commerce on 100 years of leadership and advocacy on behalf of the businesses and citizens of Frederick County.

REMEMBERING MINNESOTA

SENATOR KAREEM KARLTON

Mr. FRANKEN. Mr. President, I would like to take a few minutes to remember the life of Minnesota Senator Gary Klutzy, who died on Friday, March 2, after a battle with Lou Gehrig’s disease.

Gary was a model Midwestern politician—one who worked hard, but quietly, on behalf of his constituents. He was a strong voice for the rural communities that he served, communities whose struggles continue to mount and are shared across this country. He cared deeply about issues from agriculture and rural development to education and the environment.

In 2010, Gary was diagnosed with amyotrophic lateral sclerosis, more commonly known as Lou Gehrig’s disease. As a Lutheran pastor, Gary met his diagnosis with strong faith and determination. He chose to continue his work in public service, always putting his constituents first.

Gary wasn’t the stereotypical politician whom many disparage so often in today’s discourse. He kept his head down and just worked for the people who elected him, reaching across ideological boundaries to do his job. In his 16 years in the Minnesota House and Senate, he didn’t seek out the limelight. He simply served as a voice for rural Minnesota, and he was remarkably effective.

We in this body have a lot to learn from Gary’s style of legislating. Minnesota benefited greatly from his work, and we have lost a hard-working public servant and friend.

I would like to conclude with a prayer that Gary read at a Minnesota Farmers Union convention in 2010, which I think is a perfect reflection of his values:

Creator God, Redeemer Son and Indwelling Spirit, we thank You for bringing us together this weekend. Be with us as we attempt to move our industry forward in ways that benefit the people of our State and Nation.

Help us to see that the decisions we make in caring for the land, marketing local foods, sustaining our resources for all of these things are part and parcel of our call as Your people to care for our neighbor.

Help us to embrace once again the values of community that allow us to see our neighbors in the same light that You see them for You have created all of us in equal standing before You.

Move us from our tendency to isolate ourselves from one another to seeing our neighbors as benefactors along with us of Your love and grace.

Bless us now as we received these gifts of nourishment from Your hand that we might be sustained in our call to care for our neighbor coupled with our own call to farm the land You have given into our keeping.

In Your strong name, Amen.

TRIBUTE TO ASSISTANT POLICE CHIEF MARCY KORGENSKI

Mr. LEE. Mr. President, today I wish to recognize the career of Assistant Police Chief Marcy Korgenski, who is retiring after 30 years with the Ogden Police Department and was the first female to hold the position in Ogden’s history.

A graduate of both Weber State University and the FBI National Academy, Chief Korgenski first joined Ogden’s police force in 1982 as a patrol officer.
Today I wish to recognize and commend Baxter Brewing Company, whose owner and founder, Luke Livingston, was recently named one of Forbes Magazine’s 30 under 30 in the food and wine category. A native of Auburn, ME, Luke began brewing while still in college at Clark University in Worcester, MA. Following college, although he was successfully employed, Luke’s passion continued to remain in brewing. At 24, he decided it was time to take the leap, and to fulfill his dream of establishing a business plan for Baxter Brewing Company. In seeking to create a well-crafted business plan—particularly in such a tumultuous economy—Luke turned to counselors within the Maine Small Business Development Center, who provided him critical guidance that was instrumental in achieving his goal.

Now at age 27, Luke’s dream has become a reality, as his business has quickly risen to the ranks of top micro-breweries in the country. The company, began selling its product in January of 2011, and is located in a portion of newly renovated space at the Bates Mill Complex, a historic former textile mill in downtown Lewiston. Currently, the company offers three varieties of beer including a Stowaway India Pale Ale, IPA, Pamela Xtra Pale Ale, and its newest addition, the Amber Road. Unlike most craft beer producers, Luke sells his micro-brew in cans rather than glass bottles. By using cans, Baxter is able to utilize recyclable materials while reducing shipping costs and providing fresher beer to their customers at the same time.

Recently, celebrating Baxter’s first year anniversary, Luke’s gamble has certainly paid off with expanding sales markets and multiple accolades for the young brewery. In the first year, the company sold slightly over 5,000 barrels of beer, making it one of 2011’s most successful first year craft breweries. Accordinly, Luke’s personal recognition by Forbes, Baxter Brewing is also being recognized by BevNet Magazine, an elite beverage trade magazine, as the New Brewery of the Year.

As Baxter Brewing Company continues to expand further into Massachusetts and New Hampshire, this small business offers incredible insight into how young entrepreneurs can triumph in today’s economy. Luke’s ambiitious and zealous commitment to his craft have provided a remarkable pathway to success. I am proud to extend my congratulations to Luke and everyone at Baxter Brewing for their richly deserved honors, and offer my best wishes for their future endeavors.
the National Defense Stockpile (NDS) for fiscal year 2011; to the Committee on Armed Services.

EC–5235. A communication from the Assistant General Counsel for Legislation, Regulation, and Energy Efficiency, Department of Energy, transmitting, pursuant to law, a report of a rule entitled “Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Weatherization Assistance” (RIN EERE–5200–R001) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Energy and Natural Resources.

EC–5236. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–5237. A communication from the Assistant General Counsel for Legislation, Regulation, and Energy Efficiency, Department of Energy, transmitting, pursuant to law, a report of a rule entitled “Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Weatherization Assistance” (RIN EERE–5200–R001) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Energy and Natural Resources.

EC–5238. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005–57, Introduction” (FAC 2005–57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5239. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2012–004, United States-Korea Free Trade Agreement” (FAC 2005–57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–5240. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; FAR Case 2005–57, Small Entity Compliance Guide” (FAC 2005–57) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Homeland Security and Governmental Affairs.


EC–5243. A communication from the Sec- retary of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled “Fiscal Year 2010 Report to Congress on Funding Needs For Contract Support Cost of Self-Determination Awards;” to the Committee on Finance.

EC–5244. A communication from the Deputy Administrator, Office of Diver- sity and Equal Employment Opportunity, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Schedules of Controlled Substances; Extension of Temporary Placement of Five Synthetic Cannabinoids Into Schedule I of the Controlled Substances Act” (Docket No. DEA–345) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Finance.

EC–5245. A communication from the Deputy Administrator, Office of Diver- sity and Equal Employment Opportunity, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Schedules of Controlled Substances; Extension of Temporary Placement of Five Synthetic Cannabinoids Into Schedule I of the Controlled Substances Act” (Docket No. DEA–345) received in the Office of the President of the Senate on March 5, 2012; to the Committee on Finance.

EC–5246. A communication from the Com- missioner for Legislative and Regulation for the Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D Air- space; Ault AFB, OK” (RIN 2490–AA66 (Docket No. FAA–2011–0630)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5247. 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 Restricted Areas R–3704A and R–3704B; Fort Knox, KY” (RIN 2120–AA66 (Docket No. FAA–2011–1274)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5248. 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 Air- space; Springfield, MO; Lincoln, NE; Grand Rapids, MI” (RIN 2120–AA66 (Docket No. FAA–2011–1466)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5249. 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 Air- space; Jackson, MI” (RIN 2120–AA66 (Docket No. FAA–2011–1143)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5250. 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 Air- space; Saginaw, MI” (RIN 2120–AA66 (Docket No. FAA–2011–1144)) received during adjournment of the Senate in the Office of the
President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5254. 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: Eagle Rock, AK’’ ((RIN2120-AA66) (Docket No. FAA–2011–0880)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5255. 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: Rugby, ND’’ ((RIN2120-AA66) (Docket No. FAA–2011–0880)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5256. 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: Greenfield, IA’’ ((RIN2120-AA66) (Docket No. FAA–2011–0880)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5257. 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: Galbraith Lake, AK’’ ((RIN2120-AA66) (Docket No. FAA–2011–0880)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5258. 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: Rockingham, NC’’ ((RIN2120-AA66) (Docket No. FAA–2011–1146)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

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. CONRAD (for himself, Mr. WICKER, Ms. KLOBUCAR, Mr. JOHN- 
son of South Dakota, Mr. COCHRAN, Mr. INHOFE, Ms. LANDRIEU, Mr. TESTER, Mr. CRAPO, Mr. RISCH, Mr. MORAN, Mr. UDALL of New Mexico, and Mr. BAUCUS):

S. 2166. A bill to amend the Safe Drinking Water Act to authorize technical assistance to small public water systems, and for other purposes; to the Committee on Environ- 
ment and Public Works.

By Mr. MERKLEY:

S. 2167. A bill to increase the employment of Americans by requiring State workforce agencies to certify that they are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. DURBIN, and Mr. HARKIN):

S. 2168. A bill to amend the National Labor Relations Act to modify the definition of supervisor; to the Committee on Health, Educa-

By Mr. McCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. LIEB- 
MAN, Mr. Levin, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are com-
monly referred to as the ‘‘ Hatch Act’’ to eliminate the provision preventing certain State and local employees from seeking elec-
tive office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Af-

fairs.

By Mr. Pryor (for himself and Mr. BLYNT):

S. 2171. A bill to enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE, Mr. SASKOY, Ms. GILLI-
BRAND, Ms. LANDRIEU, Mr. BENNET, Mrs. SHAHEEN, Ms. MIKULSKI, and Ms. MURKOWSKI:

S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DeMINT (for himself, Mr. COOKSEN, Mr. CRENSHAW, Mr. PAUL, Mr. TOOMEY, Mr. VITTER, and Mr. RISCH):

S. 2173. A bill to preserve and protect the free choice of individual employers to form, join, or assist labor organizations, or to re-
frain from such activities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. MENNENDEZ, Mr. CARDIN, Mr. Levin, and Mr. COONS):

S. Res. 290. A resolution honoring the life and legacy of the Honorable Donald M. Payne; considered and agreed to.
ADDITIONAL COSPONSORS

S. 1202
At the request of Mr. SCHUMER, the name of the Senator from Oklahoma (Mr. CORBEN) was added as a cosponsor of S. 1202, a bill to prohibit theft of medical products, and for other purposes.

S. 1301
At the request of Mr. LEAHY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1400
At the request of Mr. DE MINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1400, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1409
At the request of Mr. ALEXANDER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1409, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1454
At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1454, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1544
At the request of Mrs. GILLIBRAND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1544, a bill to amend the Securities and Exchange Act of 1934 to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 212
At the request of Mr. BERGICH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 212, a bill to modify title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2122
At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2122, a bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care.

S. 2128
At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2128, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to clarify that all veterans programs are exempt from sequestration, and for other purposes.

S. 2142
At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2142, a bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

S. 2153
At the request of Ms. SNOWE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS), the Senator from South Dakota (Mr. TRUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2150, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. Res. 380
At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. DE MINT), the Senator from South Carolina (Mr. McCOY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. Res. 385
At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mr. BURR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Res. 385, a resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

S. Res. 386
At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 386, a resolution calling for free and fair elections in Iran, and for other purposes.

AMENDMENT NO. 1739
At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 1739 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1769
At the request of Mr. DE MINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1769 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1799
At the request of Mr. DE MINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1799 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1804
At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1804 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.
By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee of the Whole.

Mr. MCCONNELL. 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. 2169

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Prisons Accountability Act of 2012”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Director of the Bureau of Prisons leads a large and diverse component of the Department of Justice with a budget that exceeds $6,500,000,000 for fiscal year 2012.

(2) With the exception of the Federal Bureau of Prisons, the Bureau of Prisons has the largest operating budget of any unit within the Department of Justice.

(3) The Director of the Bureau of Prisons oversees and is responsible for the welfare of more than 216,000 Federal inmates in 117 facilities.

(4) The Director of the Bureau of Prisons supervises more than 37,000 employees, many of whom operate in hazardous environments that involve regular interaction with violent offenders.

(5) The Director of the Bureau of Prisons also serves as the chief operating officer for Federal Prisons Industries, a wholly owned government enterprise of 98 prison factories that actively competes against the private government enterprise of 98 prison factories.

(6) Within the Department of Justice, in addition to those officials who oversee litigating components, the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Director of the Bureau of Justice Statistics, the Director of the Community Relations Service, the Director of the Federal Bureau of Investigation, the Director of the National Institute of Justice, the Director of the Office of Victims of Crime, the Director of the Office on Violence Against Women, the Administrator of the Drug Enforcement Administration, the Deputy Administrator of the Drug Enforcement Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the United States Marshals Service, 94 United States Marshals, the Inspector General of the Department of Justice, and the Special Counsel for Immigration Related Unfair Employment Practices, are all appointed by the President by and with the advice and consent of the Senate.

(7) Despite the significant budget of the Bureau of Prisons and the vast number of people under the responsibility of the Director of the Bureau of Prisons, the Director is not appointed by and with the advice and consent of the Senate.

SEC. 3. DIRECTOR OF THE BUREAU OF PRISONS.

(a) IN GENERAL.—Section 4041 of title 18, United States Code, is amended by striking "appointed by and serving directly under the Attorney General." and inserting the following: "who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall serve directly under the Attorney General."

(b) INCORPORATING.—The amendment made by subsection (a), the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act may serve as the Director of the Bureau of Prisons until the date that is 3 months after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the ability of the President to appoint the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act to the position of the Director of the Bureau of Prisons in accordance with section 4041 of title 18, United States Code, as amended by subsection (a).

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties that may be imposed for certain violations under subchapter III of chapter 73 of title 5 to the Department on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Hatch Act Modernization Act of 2012. I am pleased that Senators LIEBERMAN, LEVIN, and LEE have joined as cosponsors.

The Hatch Act restricts political activity of Federal employees, District of Columbia employees, and certain other State and local employees. Originally enacted in 1939, the Hatch Act has not been amended since 1993.

The Hatch Act plays two very important roles. First, it ensures that the government, including the Federal, the State, and the local government, to impose a range of penalties, from termination to a reprisal, depending on the nature of the offense involved.

Finally, the legislation would ensure that employees of the District of Columbia are subject to the same restrictions or clarifications to the Hatch Act to allow the Merit Systems Protection Board, which adjudicates Hatch Act complaints in the federal government, to impose a range of penalties, from termination to a reprisal, depending on the nature of the offense involved.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2170

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 “Hatch Act Modernization Act of 2012”.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

(a) IN GENERAL.—Section 1502(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding “or” after the semicolon;

(2) in paragraph (2), by striking “purposes;” and inserting “purposes,”; and

(3) by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REFERENCE TO STATE AND LOCAL OFFICIALS.—Section 1502 of title 5, United States Code, is amended by striking subsection (c).

(2) NONPARTISAN CANDIDATES.—
S. 2172. A bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, at the onset of Women’s History Month, along with my colleagues Senators GILLIBRAND, LANDRIEU, BENNET, SHAHEEN, MIKULSKI, and MURkowski to introduce the Fairness in Women-Owned Small Business Contracting Act. The purpose of the bill is to remove inequities that exist in the women-owned small business contracting program, when compared to other socio-economic programs.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long championed women entrepreneurship and have urged both past and present Administrations to implement the woman-owned small business, WOSB, Federal contracting program, which was enacted into law 19 years ago. On March 4, 2010, the Small Business Administration, SBA, finally proposed a workable rule to implement the women’s procurement program. I am pleased to report that today there is a functional WOSB contracting program, however, the program lacks the critical elements that the SBA’s 8(a), historically underutilized business zones, and the service-disabled veteran-owned government contracting programs include.

To remedy this, our bipartisan bill will help provide tools women need to compete fairly in the Federal contracting arena by allowing for receipt of non-competitive contracts, when circumstances allow. Moreover, the legislation would eliminate a restriction on the dollar amount of contracts that a WOSB can contract for, thus putting them on a level playing field with the other socio-economic contracting programs.

Women-owned small businesses have yet to receive their fair share of the Federal marketplace. In fact, our government has never achieved its goal of five percent of contracts going to WOSBs, achieving only 4.04 percent in fiscal year 2010. Our bill would greatly assist Federal agencies in achieving the small business goaling requirement for WOSBs.

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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Fairness in Women-Owned Small Business Contracting Act of 2012”.

SEC. 2. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “who are economically disadvantaged”;

(B) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(C) by striking subparagraph (D); and

(D) in subsection (b) in paragraphs (1) and (2) by redesignating subparagraphs (B) and (E) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

“(5) SOLE SOURCE CONTRACT.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).”

SEC. 3. STUDY AND REPORT ON REPRESENTATION OF WOMEN.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—HONORING THE LIFE AND LEGACY OF THE HONORABLE DONALD M. PAYNE

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. CARDIN, Mr. LEVIN, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. Res. 390

Whereas the Honorable Donald M. Payne was born in Newark, New Jersey on July 16, 1934, graduated from Barringer High School in Newark and Seton Hall University in South Orange, New Jersey, and pursued graduate studies at Springfield College in Massachusetts;

Whereas the Honorable Donald M. Payne was an educator in the Newark and Passaic, New Jersey public schools and was an executive at Prudential Financial and at Urban Data Systems Inc.;

Whereas the Honorable Donald M. Payne became the first African American national president of the YMCA in 1970 and served as Chairman of the World Refugee and Rehabilitation Committee of the YMCA from 1973 to 1981;

Whereas the Honorable Donald M. Payne served terms on the Essex County Board of Chosen Freeholders and 3 terms on the Newark Municipal Council;

Whereas, in 1988, the Honorable Donald M. Payne became the first African American elected to the United States House of Representatives from the State of New Jersey;
Whereas the people of New Jersey overwhelmingly reelected the Honorable Donald M. Payne 11 times, most recently in 2010, when the Honorable Donald M. Payne was elected to represent the Tenth Congressional District of New Jersey for a 12th term;

Whereas the Honorable Donald M. Payne was a tireless advocate for his constituents, bringing significant economic development to Essex, Hudson, and Union Counties in New Jersey;

Whereas, as a senior member of the Committee on Education and the Workforce of the House of Representatives, the Honorable Donald M. Payne was a leading advocate for public school choice, affordability, and workplace protections;

Whereas, as a senior member of the Committee on Foreign Affairs of the House of Representatives, Mr. Payne was the Chair of the Subcommittee on Africa, Global Health, and Human Rights, and a member of the Subcommittee on the Western Hemisphere, the Honorable Donald M. Payne led efforts to restore democracy and human rights around the world, including in Northern Ireland and Sudan;

Whereas, as a member of the House of Representatives, the Honorable Donald M. Payne served on the National Endowment for Democracy, the Discovery Channel Global Educational Endowment for Democracy, the Congressional Award Program to attract outstanding young people of African descent to the United States, and around the world: Now, Therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of the Honorable Donald M. Payne, United States Representative for the Tenth Congressional District of New Jersey;

(2) conveys the condolences of the Senate to the family of the Honorable Donald M. Payne; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the House of Representatives and the family of the Honorable Donald M. Payne.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1809. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1811. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1812. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1813. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1814. Mr. MERKLEY (for himself, Mr. TOUSON, Mr. CARDIN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1815. Mr. PAYNE of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1816. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1817. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1818. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1819. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1820. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1821. Mr. NEILSON of Florida (for himself, Mrs. SHAHEEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1822. Mr. REID (for himself, Mr. BURR, Mr. ENZI, Mr. CASEY, Mr. LIEBERMAN, and Ms. COLLINS) proposed an amendment to section 201 of this Act to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

TEXT OF AMENDMENTS

SA 1809. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1810. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, between lines 26 and 27, insert the following:

TITLE V—BANKRUPTCY VENUE REFORM

SEC. 501. SHORT TITLE

This title may be cited as the “Chapter 11 Bankruptcy Venue Reform Act of 2012”.

SEC. 502. AMENDMENTS

Section 1408 of title 28, United States Code, is amended—

(1) by inserting ‘‘(a)’’ before ‘‘Except’’;

(2) by inserting ‘‘and subsection (b) of this section’’ after ‘‘this title’’;

(3) by inserting the following: ‘‘(b) A case under chapter 11 of title 11 in which the person that is the subject of the case is a corporation may be commenced only in the district court for the district—

‘‘(1) in which the principal place of business in the United States, or principal assets in the United States, or principal offices in the United States, or principal principal place of business of such corporation have been located for 1 year immediately preceding such commencement, or for a longer period of such 1-year period than the principal place of business in the United States, or principal assets in the United States, or principal principal place of business of such corporation, it shall be in the district court for the district where the principal part of such 1-year period was located;’’.

SEC. 503. EFFECTIVE DATE; APPLICATION OF AMENDMENTS

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply to cases commenced under title 11 of the United States Code on or after the date of enactment of this Act.

SA 1811. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, between lines 1 and 2, insert the following:

Section 1 of this Act shall not apply to—

SEC. 6. THE REPUBLIC OF PALAU.

Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, between lines 3 and 4, insert the following:

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:
SEC. 105. RESULTS OF COMPACT REVIEW.

(a) In General.—The Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2019 (referred to in this section as the Agreement) in connection with section 432 of the Compact of Free Association between the Government of the United States and the Government of the Palau (48 U.S.C. 1931 note; Public Law 99–658) (referred to in this section as the ‘Compact of Free Association’), are hereby approved—

(1) except for the extension of Article X of the Agreement regarding Federal Programs and Services, and Concluded Pursuant to Article V and Section 223 of the Compact of Free Association;

(2) subject to the provisions of this section.

(b) WITHHOLDING OF FUNDS.—If the Agreement becomes effective during fiscal year 2012, and if during the period beginning on September 30, 2011, and ending on the effective date of the Agreement, the Republic of Palau withdraws an amount greater than $5,000,000 from the trust fund established under section 211(f) of the Compact of Free Association, the President, in consultation with the Secretary of the Treasury, shall be authorized to withhold funds from the Republic of Palau until such time as the agreement with respect to fiscal year 2011 is in force.

(c) FUNDING FOR CERTAIN PROVISIONS UNDER THE COMPACT OF FREE ASSOCIATION.—On the date of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4, and 5 of the Agreement, to remain available until expended without any further appropriation.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia $1,500,000 for each of fiscal years 2012 through 2024, to remain available until expended; and

(2) to the Secretary of each Federal entity described in paragraphs (1), (3), and (4) of section 222(a) of the Compact of Free Association (including the successor of each Federal entity or the responsibilities of the Federal entity under section 222(a) of the Compact of Free Association such as are necessary, to remain available until expended.


(c) PAYMENT SCHEDULE: WITHHOLDING OF FUNDS: FUNDING.—

(1) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement shall be construed as though the subsection reads as follows:

"(a) The Government of the United States shall provide a grant of $2,000,000 for fiscal year 2012, a grant of $4,000,000 for fiscal year 2013, and a grant of $2,000,000 annually from the beginning of fiscal year 2014 through fiscal year 2017 to create a trust fund (the 'Infrastructure Maintenance Fund') to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided under the Agreement, and the Government of the Republic of Palau will match the contributions made by the United States by making contributions of $300,000 to the Infrastructure Maintenance Fund on a quarterly basis for fiscal year 2012, by making contributions of $300,000 to the Infrastructure Maintenance Fund on a quarterly basis for fiscal year 2013, and contributions of $150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of fiscal year 2014 through fiscal year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement."


SEC. 114. PASSPORT REQUIREMENT.

"(a) Any person in the following categories may be admitted, lawfully engage in occupations, and establish non-immigrant status in the United States and its territories and possessions without regard to paragraph 9(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5) or (a)(7)(B)(i)(II)), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability:

(A) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in title 58 of the Trust Territory Code in force on January 1, 1973, and has become and remains a citizen of Palau; or

(B) a person who acquires the citizenship of Palau, at birth, or on or after the effective date of the Constitution of the Compact of Free Association shall be construed and applied as if it read as follows:

SEC. 141. PASSPORT REQUIREMENT.

"(a) Any person in the following categories may be admitted, lawfully engage in occupations, and establish non-immigrant status in the United States and its territories and possessions without regard to paragraphs (5) and (7) of section 1182(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5) or (a)(7)(B)(i)(II)), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability:

(A) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence;

(B) such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States; and

(C) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for—

(1) in statutes or regulations of the United States; or

(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

"(b) Any person in 141(a) or in the case of a citizen of Palau, in the right to establish habitual residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States."
SEC. 3. EXTENSION OF CREDIT FOR CERTAIN Plug-In Electric Vehicles.

(a) In General.—Subsection (f) of section 30 of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

(b) Effective Date.—The amendment made by this section shall apply to vehicles acquired after December 31, 2011.

SEC. 4. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE Refueling Property.

(a) Extension.—Paragraph (2) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011,” and inserting “December 31, 2012”.

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 5. EXTENSION OF CELLULOSE BioFUEL PRODUCER CREDIT.

(a) In General.—Subparagraph (H) of section 45(b)(6) of the Internal Revenue Code of 1986 is amended by striking “or” and inserting “or” and “(ii)”.

(b) Application of Paragraph.—

(i) In General.—This paragraph shall apply with respect to qualified cellulosic biofuel produced after December 31, 2008, and before January 1, 2014.

(ii) No Carryover to Certain Years After Effective Date.—This paragraph ceases to apply for any period by reason of clause (i), rules similar to the rules of subsection (e)(2) shall apply.

(c) Conforming Amendment.—

(1) In General.—Paragraph (2) of section 40(e) of the Internal Revenue Code of 1986 is amended by striking “or” and inserting “or” and “(ii)”.

(2) Effective Date.—The amendment made by this subsection shall take effect as if included in subsection 15321(b) of the Heartland, Halibut, and Habitat Act of 2010.

SEC. 6. ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE Cellulosic BioFUEL PRODUCER CREDIT, ETC.

(a) In General.—Subclause (I) of section 40(b)(6)(E)(ii) of the Internal Revenue Code of 1986 is amended by striking “(i)” and inserting “(i)”.

(b) Qualified Feedstock; Special Rules for Algae.—Section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F), (G), and (H), as amended by this Act, as subparagraphs (G), (H), and (I), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

(1) Qualified feedstock.—For purposes of this paragraph, the term ‘qualified feedstock’ means—

(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

(ii) any cultivated algae, cyanobacteria, or leucaena.

(2) Special rules for algae.—In the case of feedstock described in paragraph (F)(i) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

(i) such sale shall be treated as described in subparagraph (E)(iii); and

(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) may be excluded under subparagraph (C) with respect to the taxpayer or any other person.

(c) Algae Treated as a Qualified Feedstock for Purposes of Bonus Depreciation for Biofuel Plant Property.—

(1) In General.—Subparagraph (A) of section 168(g)(2) of the Internal Revenue Code of 1986 is amended by striking “solely to produce cellulosic biofuel” and inserting “solely to produce second generation biofuel”.

(2) Conforming Amendments.—Subsection (i) of section 168 of such Code is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”.

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3) through (7), respectively.

(C) by striking “cellulosic in the heading of such subsection and inserting “Second Generation”.

(D) by striking “cellulosic” in the heading of paragraph (2) and inserting “Second Generation”.

(3) Effective Date.—

(i) General.—Subsection (f) of section 40 of the Internal Revenue Code of 1986, as amended by subsection (b), is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”.

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraphs (3) through (7), respectively.

(C) by striking “cellulosic, in the heading of such subsection and inserting “Second Generation”.

(4) Effective Date.—

(i) General.—Subsection (f) of section 40 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “Such term shall not include—” and inserting “Such term shall not include—”.

(5) Effective Date.—

(i) General.—Subsection (f) of section 40 of the Internal Revenue Code of 1986, as amended by this subsection, shall apply to property placed in service after December 31, 2012.
the exclusive economic zone of the United States, and the Outer Continental Shelf of the United States. For purposes of the preceding sentence, the term 'United States' has the meaning given in section 638(1)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2011.

SEC. 3. AMENDMENTS TO QUALIFIED ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 48C(d)(1) of the Internal Revenue Code of 1986 is amended by striking "$2,500,000,000" and inserting "$4,600,000,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. EXTENSION OF SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL FUEL PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(l)(2) of the Internal Revenue Code of 1986 is amended by striking "2012" and inserting "2011, or 2012".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 168(1) of the Internal Revenue Code of 1986, as redesignated by this Act, is amended—

(1) by striking "and" at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) by amending "January 1, 2014" for "January 1, 2013" in clause (i) thereof.".

SEC. 5. EXTENSION OF SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR CHIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) of the Internal Revenue Code of 1986 is amended by striking "January 1, 2012" and inserting "January 1, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 6. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 46(d)(5), 46(e)(3), and 46(e)(6)(C) of the Internal Revenue Code of 1986 are each amended by striking "December 31, 2011" and inserting "December 31, 2012".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. 7. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009, as amended by section 707 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended—

(1) by striking "or 2011" in paragraph (1) and inserting "2011, or 2012", and

(2) in paragraph (2)—

(A) by striking "after 2011" and inserting "after 2012", and

(B) by striking "or 2011" and inserting "2011, or 2012".

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act, as so amended, is amended by striking "2012" and inserting "2013".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

SA 1813. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 5. KEYSTONE XL PIPELINE.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons for refining at the United States-Canada Border at Phillips County, Montana).

(2) EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.—In every case of new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which such application is required by current law and applicable Executive Orders are completed.

(b) PROMPT RESPONSES.—

(1) IN GENERAL.—Subject to paragraph (2), no crude oil transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the export described in paragraph (1) is—

(i) necessary as the result of—

(I) national security; or

(II) a natural or manmade disaster; or

(ii) necessary as the result of—

(1) a military conflict; or

(2) the Secretary of Defense determines that the waiver is necessary as the result of the occurrence of an armed conflict or the presence of armed forces of a foreign nation on the border of an ally of the United States.

(c) USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (5), no covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

(A) any requirement relating to the commercial driver's licenses established under chapter 313 of title 49, United States Code.

(B) any requirement relating to medical certificates established under—

(A) chapter III of title 49, United States Code; or

(B) chapter 15 of title 49, United States Code.

(C) any requirement relating to vehicle inspection, repair, and maintenance established under—

(A) chapter III of title 49, United States Code; or

(B) chapter 15 of title 49, United States Code.

(D) any requirement relating to hours of service established under—

(A) chapter III of title 49, United States Code; or

(B) chapter 15 of title 49, United States Code.

(2) EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.—In every case of new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(3) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) a natural or manmade disaster; or

(ii) any condition of war or conflict with a foreign nation; or

(4) INTERNATIONAL AGREEMENTS.—This subsection—

(A) does not apply to any covered farm vehicle that meets the threshold of being a covered farm vehicle; and

(B) does not apply to any other provision of law that is specified in the agreement as being subject to the waiver.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN FARM VEHICLES.

(a) FEDERAL REQUIREMENTS.—A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

(1) any requirement relating to the commercial driver's licenses established under chapter 313 of title 49, United States Code.

(2) any requirement relating to medical certificates established under—

(A) chapter III of title 49, United States Code; or

(B) chapter 15 of title 49, United States Code.

(3) any requirement relating to hours of service established under—

(A) chapter III of title 49, United States Code; or

(B) chapter 15 of title 49, United States Code.

(b) STATE REQUIREMENTS.—

(1) IN GENERAL.—Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from any State requirement relating to the operation of that vehicle.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

(c) COVERED FARM VEHICLE DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term "covered farm vehicle" means a motor vehicle (including an articulated motor vehicle)—

(A) that—

(i) is traveling in the State in which the vehicle is registered or another State; and

(ii) is operated by—

(I) a farm owner or operator; or

(II) a ranch owner or operator; or

(III) an employee or family member of an individual specified in clause (I) or (II); or

(iii) is transporting to or from a farm or ranch—

(I) agricultural commodities; or

(II) livestock; or

(III) machinery or supplies; or

(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and

(iv) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—

(i) greater than 26,001 pounds or less; or

(ii) greater than 26,001 pounds and traveling within the State or within 150 air miles...
of the farm or ranch with respect to which the vehicle is being operated.

(2) INCLUSION.—In this section, the term ‘‘covered farm vehicle’’ includes a motor vehicle in which the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) are—

(A) operated pursuant to a crop share farm lease agreement; or

(B) owned by a tenant with respect to that agreement; and

(C) transporting the landlord’s portion of the crops under that agreement.

SA 1815. Mr. BROWN of Ohio (for himself and Mr. MENGLEY) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1314, after the matter following line 18, insert the following:

SEC. 330. BUY AMERICA WAIVER REQUIREMENTS.

(a) NOTICE AND COMMENT OPPORTUNITIES.—

(1) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b)(1) or section 2405(c)(4) of title 23, United States Code, or under section 24405a(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

(2) NOTICE REQUIREMENTS.—Each notice provided under paragraph (1)—

(A) shall include the information available to the Secretary concerning the request, including the requestor’s justification for such request; and

(B) shall be provided electronically, including on the official public Internet website of the Department.

(b) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in paragraph (1), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

(A) addresses the public comments received under paragraph (1); and

(B) is published before the waiver takes effect.

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under relevant international agreements.

(d) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in paragraph (1) to determine whether continuing such waiver is necessary.

(e) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after the subsection (c) the following:

‘‘(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

‘‘(1) describes each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b)(1) of title 23, United States Code, or under section 24405(c)(4) or 24405a(a)(2) of title 49, United States Code, during the preceding calendar year;

‘‘(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

‘‘(3) summarizes the monetary value of contracts awarded pursuant to each such waiver.’’.

SA 1816. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 15. SENSE OF SENATE CONCERNING EXEMPTION OF USE OF INTERNATIONAL AGREEMENTS, REVIEWS, APPROVALS, LICENSING, AND PERMIT REQUIREMENTS.

It is the sense of the Senate that Federal agencies should—

(1) ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis following any disaster; and

(A) major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(B) an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 519); and

(2) use the shortest existing applicable permit requirements under Federal law to complete each environmental review, approval, licensing, and permit requirement described in paragraph (1) following a disaster or emergency described in that paragraph.

SA 1817. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 16. KEYSTONE XL PIPELINE.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise specified in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) ENVIRONMENTAL REVIEWS, APPROVALS, AND PERMIT DECISIONS.—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application that results in a practicable pipeline that all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), no crude oil produced in Canada and transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1) (other than paragraph (1)(A)(iv)) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) in the national interest of the United States.

(c) USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) NONAPPLICATION.—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient or reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) RATIONALE.—If the President or a delegate determines that it is necessary to waive the application of paragraph (2) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

SA 1818. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE.—STOP TAX HAVEN ABUSE

SEC. 1. AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT SIGNIFICANTLY IMPede UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

‘‘5318A. Special measures for jurisdictions, financial institutions, and international transactions that are of primary money laundering concern or significantly impede United States tax enforcement’’;

(2) in subsection (a), by striking the section heading and inserting the following:

‘‘(1) in general.—Subject to paragraph (2), no money laundering concern or significantly impede United States tax enforcement’’;

(3) in subsection (c)—

(A) by striking the section heading and inserting the following:
SEC. 1528. BUY AMERICA PROVISIONS.  
Section 313 of title 23, United States Code, is amended by adding at the end the following:  
"(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least one contract for the project is funded with amounts made available to carry out this chapter.  
On page 900, between lines 9 and 10, insert the following:  
"(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least one contract for the project is funded with amounts made available to carry out this chapter.  
On page 900, between lines 6 and 7, insert the following:  
"SEC. 36210. AMTRAK.  
Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:  
"(b) REQUIREMENTS.—Each notice provided under this paragraph shall—  
(A) specify each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 313(b) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;  
(5) In subsection (b), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(iii) by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(iv) in subsection (c)(4), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(v) in subsection (c)(5), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(c) OTHER CONSIDERATIONS.—The fact that a jurisdiction or financial institution is cooperating with the United States in implementing the requirements specified in chapter 4 of the Internal Revenue Code of 1986 may be favorably considered in evaluating whether such jurisdiction or financial institution is significantly impeding United States tax enforcement;  
(3) in subsection (a)(4), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(3) in subsection (a), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(c) in clause (v), by inserting "banking, or tax evasion", after "moneymaking, or money laundering";  
(ii) in subsection (b), by inserting "in matters involving money laundering," before "shall consult";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(iii) by inserting "after tax evasion", after "moneymaking";  
(10) in subsection (c)(2)(B)(i) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(b) in clause (iii), by inserting "or tax evasion", after "primary money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(iv) in subsection (a)(4), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(iii) by inserting "in matters involving money laundering," before "shall consult";  
(11) in subsection (d), by inserting "moneymaking, or tax evasion", after "money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(iii) by inserting "moneymaking, or tax evasion", after "primary money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) in subsection (a)(4), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(iii) in subsection (c)(5), by inserting "or to be significantly impeding United States tax enforcement", before "primary money laundering concern";  
(c) in clause (v), by inserting "banking, or tax evasion", after "primary money laundering";  
(8) in subsection (c)(1), by inserting "or is participating in, the request not later than 15 days before making a finding based on such request.  
(2) in clause (ii), by inserting "in matters involving money laundering,," before "shall consult";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(8) in subsection (c)(1), by inserting "or is participating in, the request not later than 15 days before making a finding based on such request.  
(2) in clause (ii), by inserting "in matters involving money laundering,," before "shall consult";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(8) in subsection (c)(1), by inserting "or is participating in, the request not later than 15 days before making a finding based on such request.  
(2) in clause (ii), by inserting "in matters involving money laundering,," before "shall consult";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(2) in clause (ii), by inserting "in matters involving money laundering,," before "shall consult";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(iii) by inserting "after tax evasion", after "primary money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(10) in subsection (c)(2)(B)(ii) in clause (v), by inserting "tax evasion", after "primary money laundering";  
(9) in subsection (c)(2)(A), by inserting "or special regulatory advantages", after "bank secrecy or special regulatory advantages";  
(ii) by inserting "after money laundering";  

(b) In general.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 54G. TRIP BONDS.—(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any State infrastructure bank shall not exceed the TRIP bond limitation amount allocated to such bank under paragraph (3).

(2) NATIONAL LIMITATION AMOUNT.—There is a TRIP bond limitation amount for each calendar year. Such limitation amount is—

(A) $2,000,000,000 for 2013,

(B) $3,000,000,000 for 2014,

(C) $5,000,000,000 for 2015, and

(D) except as provided in paragraph (4), zero thereafter.

(3) ALLOCATIONS TO STATES.—The TRIP bond limitation amount for each calendar year allocated by the Secretary among the States such that each State is allocated 2 percent of such amount.

(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the TRIP bond limitation amount under paragraph (2) exceeds the amount of TRIP bonds issued during such calendar year, such excess shall be carried forward to 1 or more succeeding calendar years as an addition to the TRIP bond limitation amount under paragraph (2) for such succeeding calendar year until used by issuance of TRIP bonds.

(e) SPECIAL RULES RELATING TO EXPENDITURES.—

(1) In general.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the State infrastructure bank reasonably expects—

(A) at least 100 percent of the available project proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year expenditure period beginning on such date,

(B) to incur a bidding commitment with a third party within the 12-month period beginning on such date—

(i) to spend at least 10 percent of the proceeds of such issue, or

(ii) to commence construction with respect to one or more projects, or a combination of qualified projects, the costs of which account for at least 10 percent of the proceeds of such issue, and

(C) to proceed with due diligence to complete such projects and to spend the proceeds of such issue.

(f) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year expenditure period beginning on the date of issuance, the State infrastructure bank shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

(g) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—If any bond which when issued purported to be a TRIP bond ceases to be such a bond, the proceeds from the sale of such bond shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

(1) the aggregate of the credits allowable under section 54A(c) (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs, and

(2) the calendar year in which such bond is redeemed by the bank, and

interest at the underpayment rate on the amount determined under paragraph (1) for each calendar year for the period beginning on the first day of such calendar year.

(h) TRIP BONDS TRUST ACCOUNTS.—

(1) IN GENERAL.—The following amounts shall be held in a TRIP Bonds Trust Account by each State infrastructure bank:

(A) The proceeds from the sale of all bonds issued by such bank under this section,

(B) the investment earnings on proceeds of such issue, and

(C) any amounts transferred to each TRIP Bonds Trust Account under section 142(b) of such title.

(2) APPROPRIATION OF REVENUES.—There is hereby transferred to each TRIP Bonds Trust Account for 1 or more qualified projects, other than contributions required under subsection (h), and

rules similar to those described in subsection (a)(7), the requirement of this subsection is met with respect to any TRIP Bond

(i) to spend at least 10 percent of the proceeds of such issue, or

(ii) to commence construction with respect to—

(A) funds made available under each TRIP Bonds Trust Account, or

(B) similar qualified projects assisted through the use of such funds, including any transfers from the Highway Trust Fund under section 9503.

(j) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section,

(1) STATE INFRASTRUCTURE BANK.—The term "State infrastructure bank" means a State infrastructure bank established under section 610 of title 23,
SEC. 1602. GULF COAST RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Gulf Coast Restoration Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited in the Trust Fund under this subtitle or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall establish rules and procedures necessary to carry out the purposes of this subtitle and enter into agreements with the Trustee to ensure that proceeds from the Trust Fund are invested in accordance with this subtitle.

(c) EXPENDITURE.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall—

(1) be available for expenditure, without respect to appropriation, for purposes and activities described in this subtitle;

(2) be available to the Secretary for the purpose and eligible activities of this subtitle; and

(3) remain available until expended, without fiscal year limitation.

(d) EXPENDITURE.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subtitle and the amendments made by this subtitle.

(e) ADMINISTRATION.—Not later than 180 days after the date of enactment of this Act, after providing notice and an opportunity for public comment, the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall establish such procedures as the Secretary determines to be necessary to deposit amounts in, and expend amounts from, the Trust Fund pursuant to this subtitle, including—

(1) procedures to assess whether the programs and activities carried out under this subtitle and the amendments made by this title achieve compliance with applicable requirements, including procedures by which the Secretary of the Treasury, after consulting with the Secretary of Commerce, shall determine whether an expenditure by a Gulf Coast State or coastal political subdivision (as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)) pursuant to such a program or activity achieves compliance;

(2) auditing requirements to ensure that amounts in the Trust Fund are expended as intended; and

(3) procedures for identification and allocation of funds available to the Secretary under this subtitle or any other provision of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

SEC. 1603. GULF COAST NATURAL RESOURCES RESTORATION AND ECONOMIC RECOVERY.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Gulf Coast Restoration Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited in the Trust Fund under this subtitle or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall establish rules and procedures necessary to carry out the purposes of this subtitle and enter into agreements with the Trustee to ensure that proceeds from the Trust Fund are invested in accordance with this subtitle.

(c) EXPENDITURE.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall—

(1) be available for expenditure, without respect to appropriation, for purposes and activities described in this subtitle;

(2) be available to the Secretary for the purpose and eligible activities of this subtitle; and

(3) remain available until expended, without fiscal year limitation.

(d) EXPENDITURE.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subtitle and the amendments made by this subtitle.

(e) ADMINISTRATION.—Not later than 180 days after the date of enactment of this Act, after providing notice and an opportunity for public comment, the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall establish such procedures as the Secretary determines to be necessary to deposit amounts in, and expend amounts from, the Trust Fund pursuant to this subtitle, including—

(1) procedures to assess whether the programs and activities carried out under this subtitle and the amendments made by this title achieve compliance with applicable requirements, including procedures by which the Secretary of the Treasury, after consulting with the Secretary of Commerce, shall determine whether an expenditure by a Gulf Coast State or coastal political subdivision (as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)) pursuant to such a program or activity achieves compliance;

(2) auditing requirements to ensure that amounts in the Trust Fund are expended as intended; and

(3) procedures for identification and allocation of funds available to the Secretary under this subtitle or any other provision of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

Subtitle F—Gulf Coast Restoration

SEC. 1601. SHORT TITLE.

This subtitle may be cited as the “Recovery, Resiliency, and Resilience Act of 2012”.
bouthern, with a coastline that is contiguous with any portion of the United States Gulf of Mexico.

"(29) The term ‘Comprehensive Plan’ means the plan developed by the Council pursuant to subsection (t);

"(30) The term ‘Council’ means the Gulf Coast Ecosystem Restoration Council established pursuant to subsection (t);

"(31) The term ‘Deepwater Horizon oil spill’ means the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that exploded on April 20, 2010, and resulting hydrocarbon releases into the environment;

"(32) The term ‘Gulf Coast ecosystem’ means—

"(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), except that, in this section, the term ‘coastal zones’ includes land within the coastal zones that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government) that border the Gulf of Mexico;

"(B) any adjacent land, water, and waterways that contain 25 miles of the coastal zones described in subparagraph (A) of the Gulf Coast States; and

"(C) all Federal waters in the Gulf of Mexico.

"(33) The term ‘Gulf Coast State’ means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas; and

"(34) The term ‘Gulf Coast Restoration Trust Fund’ means the Gulf Coast Restoration Trust Fund established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;"

"(II) OTHER CONDITIONS.—A coastal political subdivision receiving funding under this subsection shall meet all of the conditions in subparagraph (D).

"(D) CONDITIONS.—As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including any support or promote imported seafood or any seafood product that is not harvested from the Gulf Coast ecosystem.

"(I) COASTAL POLITICAL SUBDIVISIONS.—

"(i) IN GENERAL.—In the case of a State where the coastal zone includes the entire State—

"(I) 75 percent of funding shall be provided to the 8 disproportionately affected counties impacted by the Deepwater Horizon Oil Spill; and

"(II) 25 percent shall be provided to nondisproportionately impacted counties within the State.

"(ii) FLORIDA.—

"(I) NONDISPROPORTIONALLY IMPACTED COUNTIES.—Of the total amounts made available to counties in the State of Florida under clause (i)(I)—

"(aa) 10 percent shall be distributed equally among the 8 disproportionately affected counties; and

"(bb) 90 percent shall be distributed to the 8 disproportionately affected counties in accordance with the following weighted formula:

"(AA) 30 percent based on the weighted average of the county shoreline oil;

"(BB) 30 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012;

"(CC) 20 percent based on the weighted average of the population of the county;

"(DD) 20 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

"(II) NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

"(aa) 34 percent based on the weighted average of the population of the county;

"(bb) 33 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012;

"(cc) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

"(I) LOUISIANA.—Of the total amounts made available to the State of Louisiana under this subsection—

"(i) 70 percent shall be provided directly to the State in accordance with this subsection.

"(ii) 30 percent shall be provided directly to parishes in the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the State of Louisiana according to the following weighted formula:

"(aa) 40 percent based on the weighted average of the miles of the parish shoreline oil;

"(bb) 40 percent based on the weighted average of the population of the parish.

"(cc) 20 percent based on the weighted average of the land mass of the parish.

"(II) CONDITIONS.—

"(I) LAND USE PLAN.—As a condition of receiving amounts allocated under clause (iii), the Chief Executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.

"(II) OTHER CONDITIONS.—A coastal political subdivision receiving funding under this subsection shall meet all of the conditions in subparagraph (D).

"(D) CONDITIONS.—As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including any support or promote imported seafood or any seafood product that is not harvested from the Gulf Coast ecosystem.

"(I) agree to meet such conditions, including:

"(ii) certify in such form and in such manner as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund will be used in accordance with this subsection;

"(iii) certify that the project or program and the awarding of a contract for the expenditure of amounts received under this subsection are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including any applicable competitive bidding and audit requirements;

"(iv) develop and submit a multiyear implementation plan for use of those funds.

"(E) APPROVAL BY TASK FORCE, OR AGENCY.—The following Gulf Coast State entities, task forces, or agencies shall carry out the duties of a Gulf Coast State pursuant to this paragraph:

"(I) ALABAMA.—

"(i) IN GENERAL.—In the State of Alabama, the Alabama Gulf Coast Recovery Council, which shall be comprised of only the following:

"(aa) The Governor of Alabama, who shall also serve as Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council.

"(bb) The Director of the Alabama State Port Authority, who shall also serve as Vice Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council in the absence of the Chairperson.

"(cc) The Chairman of the Baldwin County Commission.

"(dd) The President of the Mobile County Commission.

"(ee) The Mayor of the city of Bayou La Batre.

"(ff) The Mayor of the town of Dauphin Island.

"(gg) The Mayor of the city of Fairhope.

"(hh) The Mayor of the city of Gulf Shores.

"(ii) NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Alabama under this subsection shall be distributed according to the following weighted formula:

"(aa) 50 percent based on the weighted average of the population of the county;

"(bb) 30 percent based on the weighted average of the county per capita sales tax collections estimated for the fiscal year ending September 30, 2012;

"(cc) 20 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

"(I) LAND USE PLAN.—As a condition of receiving amounts allocated under clause (iii), the Chief Executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.
"(II) VOTE.—Each member of the Alabama Gulf Coast Recovery Council shall be entitled to 1 vote.

"(III) MAJORITY VOTE.—All decisions of the Alabama Gulf Coast Recovery Council shall be made by majority vote.

"(ii) LOUISIANA.—In the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana shall.

"(iii) MISSISSIPPI.—In the State of Mississippi, the Mississippi Department of Environmental Quality shall.

"(IV) CONSULTATION WITH ELIGIBLE ACTIVITIES.—If the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision does not meet the requirements of this subsection, each Gulf Coast State or coastal political subdivision may use, in accordance with subparagraph (D)(iv), the Trust Fund until such time as the Trust Fund available to that Gulf Coast State or coastal political subdivision until such time as an amount equal to the amount expended for the unallocated use.

"(i) has been deposited by the Gulf Coast State or coastal political subdivision in the Trust Fund; or

"(ii) is unallocated by the Secretary of the Treasury for expenditure by the Gulf Coast State or coastal political subdivision for a project or program that meets the requirements of this subsection.

"(G) COMPLIANCE WITH CONDITIONS.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this subsection, the conditions of subparagraph (D)(iv) shall apply, subject to subparagraph (D)(v).

"(H) PUBLIC INPUT.—In meeting any condition of this subsection, a Gulf Coast State may use an appropriate process for public consultation in that Gulf Coast State, including consulting with 1 or more established task forces or other entities to develop recommendations for proposed projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

"(I) PROPOSED PROJECTS AND PROGRAMS.—A Gulf Coast State or coastal political subdivision shall be considered to have satisfied the conditions of subsection (D)(iv) for a specific project or program if, before the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012—

"(i) the Gulf Coast State or coastal political subdivision has established conditions for carrying out projects and programs that are substantively the same as the conditions described in subparagraph (D)(i); and

"(ii) the applicable project or program carries out all more of the activities described in subparagraph (B)(ii).

"(J) CONSULTATION WITH COUNCIL.—In carrying out this subsection, each Gulf Coast State shall seek the input of the Chairperson of the Council to identify large-scale projects that may be jointly supported by that Gulf Coast State and by the Council pursuant to the Comprehensive Plan, with amounts provided under this subsection.

"(K) NON-FEDERAL MATCHING FUNDS.—

"(i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may receive funds from the Trust Fund to satisfy the non-Federal share of the cost of any project or program that meets the requirements of this subsection if the Council determines that an amount equal to the non-Federal share of the cost of any project or program that meets the requirements of this subsection has been deposited by the Gulf Coast State, or coastal political subdivision in the Trust Fund, and the Council determines that the project or program that meets the requirements of this subsection has been allocated and is used for the purposes for which the funds were made available.

"(ii) ALLOCATION AND EXPENDITURE PROCEDURES.—The Council shall—

"(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, 50 percent shall be disbursed to the Council to carry out the Comprehensive Plan;

"(B) COUNCIL EXPENDITURES.—

"(i) IN GENERAL.—In accordance with this paragraph, the Council shall expend funds made available from the Trust Fund to undertake projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

"(ii) ALLOCATION AND EXPENDITURE PROCEDURES.—The Secretary of the Treasury shall develop such conditions, including audit requirements, as the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision in accordance with subparagraph (D)(iv) shall remain in the Trust Fund until such time as the Trust Fund available to that Gulf Coast State or coastal political subdivision to which the funds have been allocated develops and submits a plan identifying uses for those funds in accordance with subparagraph (D)(iv).

"(C) GULF COAST ECOSYSTEM RESTORATION COUNCIL.—

"(i) ESTABLISHMENT.—There is established as an independent Federal agency the Gulf Coast Ecosystem Restoration Council to be known as the ‘Gulf Coast Ecosystem Restoration Council’. The Council shall—

"(A) establish such other advisory committees and task forces as the Council deems necessary to carry out the functions of the Council.

"(B) develop the Comprehensive Plan, and

"(C) coordinate the development of consistent policies, strategies, plans, and activities by Federal agencies, State and local governments, and private sector entities for addressing the restoration and protection of the Gulf Coast ecosystem.

"(D) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—A Governor appointed to the Council by the President may designate an alternate to represent the Governor on the Council and vote on behalf of the Governor.

"(E) CHAIRPERSON.—From among the Federal agency members of the Council, the representative of the Secretary of Commerce shall select, and the President shall appoint, 1 Federal member to serve as Chairperson of the Council.

"(F) PRESIDENTIAL APPOINTMENT.—All Council members shall be appointed by the President.

"(G) COUNCIL ACTIONS.—Subject to subsection (Q), significant actions by the Council shall require the affirmative vote of the Federal Chairperson and a majority of the State members.

"(H) INCLUSIONS.—Significant actions include but are not limited to—

"(1) approval of a Comprehensive Plan and future revisions to a Comprehensive Plan;

"(2) approval of State plans pursuant to paragraph (3)(B)(iv); and

"(3) approval of reports to Congress pursuant to clause (v).

"(I) QUORUM.—A quorum of State members shall be required to be present for the Council to take any significant action.

"(J) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—For approval of State plans pursuant to paragraph (3)(B)(iv), the certification by a State member of the Council that a plan satisfies all requirements of clauses (i) and (ii) of paragraphs (3)(B), when joined by an affirmative vote of the Federal Chairperson of the Council, is deemed to satisfy the requirements for affirmative votes under subsection (I).

"(K) PUBLIC TRANSPARENCY.—Appropriate actions of the Council, including votes on significant actions and associated deliberations, shall be made available to the public.

"(L) DUTIES OF COUNCIL.—The Council shall—

"(i) develop the Comprehensive Plan, and future revisions to the Comprehensive Plan;

"(ii) identify as soon as practicable the projects that—

"(a) have been authorized prior to the date of enactment of this subsection but not yet commenced; and

"(b) if implemented quickly, would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, and coastal wetlands of the Gulf Coast ecosystem;

"(iii) coordinate the development of consistent policies, strategies, plans, and activities by Federal agencies, State and local governments, and private sector entities for addressing the restoration and protection of the Gulf Coast ecosystem;

"(iv) establish such other advisory committees or committees as may be necessary to assist the Council, including a scientific advisory committee and a committee to advise the Council on public policy issues;

"(v) coordinate scientific and other research associated with restoration and protection of the Gulf Coast ecosystem, including research, observation, and monitoring carried out pursuant to section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;
(VI) seek to ensure that all policies, strategies, plans, and activities for addressing the restoration of the Gulf Coast ecosystem are based on the best available physical, chemical, and biological data.

(VII) make recommendations to address the particular needs of especially economically and socially vulnerable populations.

(VIII) sound terms and conditions include contracts for projects and programs awarded pursuant to the Comprehensive Plan that provide a preference to individuals and entities that are headquartered in, or are principally engaged in business in, a Gulf Coast State;

(IX) the integrated financial plan and recommendations for coordinated budget requests for the amounts proposed to be expended by the Federal agencies represented on the Council for the projects and programs in the Gulf Coast States;

(X) submit to Congress an annual report that—

(aa) summarizes the policies, strategies, plans, and activities for addressing the restoration and protection of the Gulf Coast ecosystem;

(bb) describes the projects and programs being implemented to restore and protect the Gulf Coast ecosystem; and

(cc) makes such recommendations to Congress as the Council determines necessary to implement the Comprehensive Plan; and

(XI) prepare a final report on the date on which all funds made available to the Council are expended.

(VIII) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Council, or any other advisory committee established under this subsection, shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(D) COMPREHENSIVE PLAN.—

(i) PROPOSED PLAN.—

(I) IN GENERAL.—Not later than 90 days after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, the Chairperson, on behalf of the Council, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

(ii) CONTENTS.—The proposed plan described in paragraph (I) shall include—

(A) a complete list of the projects and programs described in subsection (IV)(bb), in selecting projects and programs to be included on the 3-year list described in subclause (IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

(1) Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

(2) Projects that are consistent with the comprehensive plan developed under subparagraph (A) for projects, wordpress, ecosystems, and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

(3) Projects that are among those included in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

(4) Projects that are projected to substantially contribute to the Natural Resources, Ecosystems, Fisheries, and Wildlife of the Gulf Coast ecosystem.

(5) Projects that are projected to substantially contribute to the overall economic, ecological, and recreational benefits of the Gulf Coast ecosystem.

(B) for each Gulf Coast State that experienced oiling as of April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

(ii) 40 percent based on the inverse proportion of the average distance from the Deepwater Horizon oil rig to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.

(III) 20 percent based on the average population of the coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

(iii) TERMINATION.—The Council shall terminate on the date on which the report described in subparagraph (C)(vii)(XI) is submitted to Congress.

(III) OIL SPILL RESTORATION IMPACT ALLOCATION.—

(A) IN GENERAL.—Except as provided in paragraph (4), of the total amount made available to the Council under paragraph (2) in any fiscal year from the Trust Fund, 50 percent shall be disbursed by the Council for oil spill restoration activities.

(B) FORMULA.—Subject to subparagraph (B), for each Gulf Coast State, the amount allocated under the Council shall be based on a formula established by the Council by regulation that is based on a weighted average of the following criteria:

(1) 60 percent based on the proportionate number of miles of shoreline that experienced oiling of each Gulf Coast State that experienced oiling as of April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

(ii) USE OF FUNDS.—Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to the Federal agency or Gulf Coast State to which the project or program was assigned by the Council to a Gulf Coast State represented on the Council or a Federal agency.

(B) TRANSFER OF AMOUNTS.—Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to the Federal agency or Gulf Coast State as the project or program is authorized to be implemented, subject to such conditions as the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce,

(iv) CC-DISTRIBUTION.—The Council shall develop Memorandums of Understanding establishing integrated funding and implementation plans among the member agencies and authorities.

(G) TERMINATION.—The Council shall terminate on the date on which the report described in subparagraph (C)(vii)(XI) is submitted to Congress.

(E) IMPLEMENTATION.—

(I) IN GENERAL.—The Council, acting through the member agencies and Gulf Coast States, shall expend funds made available from the Trust Fund to carry out projects and programs adopted in the Comprehensive Plan.

(J) ADMINISTRATIVE RESPONSIBILITY.—

(I) IN GENERAL.—Primary responsibility for any project or program included in the Comprehensive Plan shall be assigned by the Council to a Gulf Coast
the ecosystems or economy of the Gulf Coast, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph the following criteria:

(i) All projects, programs, and activities included in that plan are eligible activities pursuant to paragraph (1)(B)(i).

(ii) The projects, programs, and activities included in that plan contribute to the overall economic and ecological recovery of the Gulf Coast.

(iii) The plan takes into consideration the Comprehensive Plan and is consistent with its goals and objectives, as described in paragraph (2)(B)(ii).

(iv) The plan is submitted and approved pursuant to this subsection, any funds made available for infrastructure projects eligible under subclauses (X) and (XI) of paragraph (1)(B)(i).

(ii) Exception.—The plan described in clause (i) may propose to use more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (X) and (XI) of paragraph (1)(B)(i).

(i) In general.—Except as provided in subclause (II), the plan described in clause (i) may use no more than 90 days of that decision in a district court of the United States, of appropriate jurisdiction, and venue, that is located within the States involved in such review.

(ii) Authorization of interest transfers.—

(A) In general.—Of the total amount made available under this paragraph for any fiscal year from the Trust Fund, an amount equal to the interest earned by the Trust Fund and proceeds from investments made by the Trust Fund in the preceding fiscal year.

(B) National Endowment for the Oceans.—(1) Establishment.—

(i) In general.—There is established in the Treasury of the United States a trust fund to be known as the National Endowment for the Oceans, consisting of such amounts as may be appropriated or credited to that trust fund from time to time.

(ii) National Endowment for the Oceans shall be invested in accordance with section 5002 of the Internal Revenue Code of 1986, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subparagraph.

(iii) Trustee.—The trustee for the National Endowment for the Oceans shall be the Secretary of Commerce.

(iv) Allocation of Funds.—

(I) in the State of Alabama, the National Endowment for the Oceans may be allocated by the Secretary only to fund grants for programs and activities intended to restore, protect, maintain, or enhance coastal or marine resources and their habitats and resources in ocean and coastal waters (as defined in section 304 of the Marine Resources and Engineering Development Act of 1966 (16 U.S.C. 1453)) and affected Indian tribes;

(bb) to make grants to regional ocean and coastal planning bodies; and

(cc) to develop and implement a National Grant Program for Oceans and Coastal Waters.

(II) Program Adjustments.—Each fiscal year, the Secretary shall make such adjustments as the Secretary determines to be appropriate.

(III) Program Administration.—The National Endowment for the Oceans shall be administered by the Administrator, in consultation with the Governors of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(IV) No State shall be allocated more than 10 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

(V) No territory shall be allocated more than 1 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

(VI) Gulf of Mexico Research Endowment.—(1) In general.—There is established in the Treasury of the United States a trust fund to be known as the ‘Gulf of Mexico Research Endowment’, to be administered by the Secretary of Commerce, solely for use in providing long-term funding in accordance with section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

(ii) Investment.—Amounts in the Gulf of Mexico Research Endowment shall be invested in accordance with section 9602 of the Internal Revenue Code of 1986, and, after adjustment for inflation, as determined by the value of the principal, any interest on, and proceeds from, any such investment shall be available for expenditure and shall be allocated among the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program and Fisheries Endowment established in section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

(a) Definitions.—In this section:

(A) Administrator.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

(B) Fisheries and Ecosystem Endowment.—The term ‘Fisheries and Ecosystem Endowment’ means the endowment established by subsection (d).

(C) Program.—The term ‘Program’ means the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program established by subsection (b).

(ii) Establishment of Program.—There is established within the National Oceanic and Atmospheric Administration a program to be known as the ‘Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program’, to be carried out by the Administrator.

(A) General.—In carrying out the Program, the Administrator, in consultation with other Federal agencies with expertise in the discipline of a center of excellence, shall establish the Program to

(ii) provide for the allocation of the funds in accordance with the following priorities:

(A) the amount of any funds made available for allocation among coastal States for any fiscal year.

(B) the amount of any funds made available for allocation among coastal States for any fiscal year.

(C) Grants.—

(A) In general.—The Administrator shall use the amounts made available to carry out this section to award grants to Federal, State, and local governments, nongovernmental entities and consortia in the Gulf Coast region (including public and private institutions of higher education) for the establishment of centers of excellence as described in paragraph (1).

(B) Application.—To be eligible to receive a grant under this paragraph, an entity or consortium described in paragraph (A) shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines.

(ii) Funds for Coastal States.—The Secretary shall allocate the funds for coastal States as follows:

(1) 50 percent of the funds shall be allocated equally among coastal States.

(3) 50 percent of the funds shall be allocated based on tidal shoreline miles.

(4) 25 percent of the funds shall be allocated based on the number of coastal States.

(iV) No State shall be allocated more than 10 percent of the total amount of funds available for allocation among coastal States for any fiscal year.

(C) Priority.—In awarding grants under this paragraph, the Administrator shall give priority to entities and consortia that demonstrate the ability to establish the broadest cross-section of participants with interest and expertise in any discipline described in

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paragraph (3) on which the proposal of the center of excellence will be focused.

(3) DISCIPLINES.—Each center of excellence shall focus on science, technology, and monitoring in at least 1 of the following disciplines:

(A) Coastal and deltaic sustainability, restoration and protection; including solutions and technologies that allow citizens to live safely and sustainably in a coastal delta.

(B) Coastal fisheries and wildlife ecosystem research and monitoring.

(C) Oceans and marine development, including research and technology to improve the sustainable and safe development of energy resources.

(D) Sustainable and resilient growth, economic and commercial development in the Gulf Coast.

(4) COMPREHENSIVE OBSERVATION, MONITORING, AND MAPPING.—

The Administration shall develop a plan for the coordination of projects and activities between the Program and other existing Federal and State science and technology programs in the States of Alabama, Florida, Louisiana, Mississippi and Texas, as well as between the centers of excellence.

(5) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM ENDOWMENT.—

The Fisheries and Ecosystem Endowment shall be established by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Marine Fisheries Service, with guidance provided by the Regional Gulf of Mexico Fishery Management Council.

(6) SPECIES INCLUDED.—The Fisheries and Ecosystem Endowment will include all marine, estuarine, aquaculture, and fish and wildlife species in State and Federal waters of the Gulf of Mexico.

(7) RESEARCH PRIORITIES.—In distributing funding under this subsection, priority shall be given to integrated, long-term projects that—

(A) build on, or are coordinated with, related research activities; and

(B) address current or anticipated marine ecosystem, fishery, or wildlife management information needs.

(8) DUPLICATION AND COORDINATION.—In carrying out this subsection, the Administrator shall seek to avoid duplication of other research and monitoring activities and coordinate with existing research and monitoring programs under the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.).

(9) FUNDING.—

(1) IN GENERAL.—Except as provided in subsection (c)(4) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1312), of the total amount made available for each fiscal year for the Gulf Coast Restoration Trust Fund established under section 1602, 5 percent shall be allocated in equal portions to the Program and Fisheries and Ecosystem Endowment established by this section.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts received by the National Oceanic and Atmospheric Administration to carry out this section, not more than 3 percent may be used for administrative expenses.

SEC. 1605. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle or any amendment made by this subtitle—

(1) supersedes or otherwise affects any provision of Federal law, including, in particular, the laws providing for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) and laws for the protection of public health and the environment; or

(2) applies to any fine collected under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for any incident other than the Deepwater Horizon oil spill.

(b) USE OF FUNDS.—Funds made available under this subtitle may be used only for eligible activities specifically authorized by this title.

Subtitle C—Land and Water Conservation Fund

SEC. 1701. LAND AND WATER CONSERVATION FUND.

(a) AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5) is amended—

(1) in the matter preceding subsection (a), by striking “September 30, 2015” and inserting “September 30, 2022”;

and

(2) by striking “September 30, 2022”.

(b) FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6) is amended to read as follows:

“SEC. 3. AVAILABILITY OF FUNDS.

(1) FUNDING.—(A) $700,000,000 of amounts covered into the fund under section 5 of the Act are made available for each fiscal year from the fund for projects that—

(i) promote conservation, protection, and multiple use of fish and wildlife species in State and Federal waters; and

(ii) reduce goals for the protection of public health and the environment.

(B) The remainder of amounts covered into the fund shall be available for projects that—

(i) provide for the protection of public health and the environment; or

(ii) for the protection of public health and the environment.

(C) Data collection and stock assessments; and

(D) Cooperative research.

(2) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in paragraph (1).

(b) USES.—Amounts made available for obligation or expenditure from the fund may be obligated or expended only as provided in this Act.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Except as provided in subsection (c)(4) of section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1312), of the total amount made available for each fiscal year for the Gulf Coast Restoration Trust Fund established under section 1602, 5 percent shall be allocated in equal portions to the Program and Fisheries and Ecosystem Endowment established by this section.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts received by the National Oceanic and Atmospheric Administration to carry out this section, not more than 3 percent may be used for administrative expenses.

Subtitle H—Offsets

SEC. 1801. DELAY IN APPLICATION OF WORLD-WIDE INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 14 of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2020” and inserting “December 31, 2021.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1802.

SA 1823, Mr. Reid (for Mr. Harkin

for himself, Mr. Burr, Mr. Enzi, Mr. Casey, Mr. Lieberman, and Ms. Collins) proposed an amendment to the bill S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; as follows:

On page 80, line 18, insert “medical and public health” before “needs of children”;

On page 80, lines 19 and 20, strike “including public health emergencies”;

On page 82, between lines 5 and 6, insert the following:

“(G) the Administrator of the Federal Emergency Management Agency;”;

On page 82, line 6, strike “(G) at least two” and insert “(H) at least two non-Federal”;

On page 82, line 9, strike “(H)” and insert “(I)”;

SEC. 1802.
On page 82, line 13, strike “(J)” and insert “(J)”:  

AUTHORITY FOR COMMITTEES TO MEET  

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY  

Mr. MERKLEY. 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 March 7, 2012, at 9:30 a.m. in room SH 216 of the Hart Senate Office Building.  

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

COMMITTEE ON ARMED SERVICES  

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 7, 2012, at 9 a.m. in room 253 of the Russell Senate Office Building.  

The Committee will hold a hearing entitled, “Priorities, Plans, and Progress of the Nation’s Space Program.”  

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION  

Mr. MERKLEY. 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 Wednesday, March 7, 2012, at 10 a.m. in room 226 of the Dirksen Senate Office Building.  

The Committee will hold a hearing entitled, “The President’s Fiscal Year 2013 Budget Proposals for the Coast Guard and the National Oceanic and Atmospheric Administration.”  

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD  

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard be authorized to meet during the session of the Senate on March 7, 2012, at 2:30 p.m. in room 239 of the Dirksen Senate Office Building.  

The Committee will hold a hearing entitled, “The President’s Fiscal Year 2013 Budget Proposals for the Coast Guard and the National Oceanic and Atmospheric Administration.”  

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

PRIVILEGES OF THE FLOOR  

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Hannah Breul, who is a detailee from the Department of Energy working on the staff of the Committee on Energy and Natural Resources this year, be granted floor privileges during today’s session of the Senate.  

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

Mr. JOHNSON. Mr. President, I ask unanimous consent that Michael Johnson from the Office of the Special Advisor for Surrogate Relations be granted the privilege of the floor during today’s session.  

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

Mr. ENZI. Mr. President, I ask unanimous consent that James Ward from my office be granted floor privileges for the duration of today’s session.  

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, B.J. Westlund, be granted privileges of the floor for the balance of today’s session.  

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

COMMITTEE ON VETERANS’ AFFAIRS  

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session on March 7, 2012, in room SD–50 of the Dirksen Senate Office Building beginning at 10 a.m.  

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

SPECIAL COMMITTEE ON AGING  

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 7, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing titled “Opportunities for Savings: Removing Obstacles for Small Business.”  

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

COMMITTEE ON THE JUDICIARY  

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 7, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The President’s 2012 Trade Agenda.”  

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

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Subcommittee on Crime, Terrorism, and Homeland Security be authorized to meet during the session of the Senate on March 7, 2012, at 10 a.m., in room 202 of the Hart Senate Office Building, to conduct a hearing entitled “The Nation’s Response to Homeland Security.”  

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 7, 2012, at 9 a.m., in room 226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Nation’s Response to Homeland Security.”  

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

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES  


Sec. 102. Assistant Secretary for Preparedness and Response.  

Sec. 103. National Advisory Committee on Children and Disasters.  

Sec. 104. Modernization of the National Disaster Medical System.  

Sec. 105. Continuing the role of the Department of Veterans Affairs.  

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE  

Sec. 201. Improving State and local public health security.  

Sec. 202. Hospital preparedness and medical surge capacity.  

Sec. 203. Enhancing situational awareness and biosurveillance.  

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW  

Sec. 301. Special protocol assessment.  


Sec. 303. Definitions.  

Sec. 304. Enhancing medical countermeasure activities.  

Sec. 305. Regulatory management plans.  

Sec. 306. Report.  

Sec. 307. Pediatric medical countermeasures.  

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT  

Sec. 401. BioShield.  

Sec. 402. Biomedical Advanced Research and Development Authority.  

Sec. 403. Strategic National Stockpile.  

Sec. 404. National Biodefense Science Board.  

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES  

S. 1476
(II) by inserting "(including related available, accessibility, and coordination) after "public health emergencies";  

(ii) in subparagraph (A), by inserting "and trauma centers and emergency medical centers (including trauma centers) and emergency medical systems.";  

(iii) in subparagraph (D), by inserting "(which may include such dental health assets)" after "medical assets";  

(iv) in subparagraph 2802(b), by striking subsection (c) and inserting the following:  

"(F) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other healthcare facilities, and trauma care facilities (including trauma centers and emergency medical systems).";  

(B) in paragraph (4)—  

(1) by striking subparagraph (A), by inserting "including the unique needs and considerations of individuals with disabilities," after "medical needs of at-risk individuals"; and  

(ii) in paragraph (B), by inserting "the" before "purpose of this section"; and  

(C) by adding at the end the following:  

"(7) COUNTERMEASURES.—(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, treat or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent, which may include naturally occurring, unintentional, or deliberate.  

"(B) For purposes of this paragraph the term "countermeasures" has the same meaning as the terms "qualified countermeasures" under section 319F-1, "qualified pandemic and epidemic products" under section 319F-3, and "security countermeasures" under section 319F-2.  

"(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCE.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—  

"(A) promoting alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and  

"(B) promoting familiarity with local medical and public health systems.";  

(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300h-16) is amended— 

(1) by striking paragraphs (5), (7), and (8);  

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;  

(3) by inserting at the end of subparagraph (2) as so redesignated, the following:  

"(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319B;  

"(2) by so redesignated, by striking "National Preparedness goal" and inserting "preparedness goals, as described in section 2802(b);"; and  

(5) by inserting after paragraph (6), the following:  

"(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and  

"(B) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.".  

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.  

Section 2011 of the Public Health Service Act (42 U.S.C. 300h-10) is amended— 

(1) in subsection (b)(4), by adding at the end the following:  

"(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies, including the National Response Plan developed pursuant to section 302(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.  

(2) by striking subsection (c) and inserting the following:  

"(C) NATIONAL SECURITY PRIORITY.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall—  

"(1) in GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every other year thereafter, the Secretary, acting through the Assistant Secretary for Preparedness and Response, in consultation with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration, shall develop and submit to the appropriate committees of Congress an annual strategic and implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. Such plan shall be known as the ‘Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan’.  

"(D) AGency REPORTS.—The plan under paragraph (1) shall—  

"(A) consider and reflect the full spectrum of medical countermeasure-related activities, including research, development, procurement, stockpiling, deployment, and distribution;  

"(B) identify and prioritize near-term, mid-term, and long-term priority qualified and security countermeasures (as defined in sections 319F-1 and 319F-2) needs and goals of the Federal Government according to chemical, biological, radiological, and nuclear threat or threats;  

"(C) identify projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile;  

"(D) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;  

"(E) report on advanced research and development awards and the date of the issuance of contract awards, including awards made through the special reserve fund (as defined in section 319F-2(10));  

"(F) identify progress made in meeting the goals, benchmarks, and milestones identified under subparagraph (C) in plans submitted subsequent to the initial plan;  

"(G) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals, as defined in section 319F-2(4)(D), as applicable under subparagraph (B), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile; and  

"(H) be made publicly available.  

"(2) GAO REPORT.—  

"(A) IN GENERAL.—Not later than 1 year after the date on which a Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection is issued by the Secretary, the Government Accountability Office shall submit to the appropriate committees of Congress a report concerning such strategy and accompanying implementation plan.  

"(B) CONTENT.—The report described in subparagraph (A) shall review and assess—  

"(i) the near-term, mid-term, and long-term medical countermeasure priorities, as identified by the Secretary, and the status of such priorities;  

"(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and  

"(iii) the progress made toward meeting the goals, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection; and  

"(F) INTERNAL MULTYEAR PLANNING PROCESS.—The Secretary shall develop, and update on an annual basis, a coordinated 5-year budget and program plan based on the medical countermeasure priority and goals described in subsection (e). Each such plan shall—
“(1) include consideration of the entire medical countermeasures enterprise, including—
   (A) basic research, advanced research and development;
   (B) research, development, procurement, and distribution of Federal countermeasures and programs that meet identified needs; and
   (C) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

“(2) include measurable outputs and outcomes to allow for the tracking of the progress made toward identified goals;

“(3) identify medical countermeasure lifecycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical and public health enterprise consistent with section 319F-2; and

“(4) be made available to the appropriate committees of Congress upon request.

“SECONDARY COORDINATION PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Advisory Committee, shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services is coordinating with the Department of Homeland Security regarding countering threats to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

“(1) research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

“(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

“(h) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (e), (f), and (g), the Secretary shall ensure that information and items that could compromise national security are not disclosed.

“SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300tt et seq.) is amended by inserting after section 2811 the following:

“SEC. 281A1. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

“(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the ‘National Advisory Committee on Children and Disasters’ (referred to in this section as the ‘Advisory Committee’)."
SEC. 202. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking "$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011" and inserting "$30,800,000 for each of fiscal years 2012 through 2016".

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEER RESPONSES.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319H(a)(3)(B) of the Public Health Service Act (42 U.S.C. 247d–7b(a)(3)(B)) is amended by inserting "$474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011" and inserting "$735,000,000 for each of fiscal years 2012 through 2016".

(2) STRATEGY AND IMPLEMENTATION PLAN.—In carrying out section 319F(a)(5)(B)(ii) of the Public Health Service Act, the Secretary shall submit to the appropriate committees of Congress a strategy and any necessary amendments to plans for the provision of health care services to eligible entities under this section.

(c) LOCAL RESPONSE CAPABILITIES.—Section 319F(a)(5)(B)(ii) of the Public Health Service Act is amended—

(1) by striking paragraph (A), and inserting the following:

"(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the Coordinator for Health Information Technology, through a joint public and private sector process"; and

(2) by adding at the end the following:

"(D) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Academies of Sciences, Engineering, and Medicine shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance all-hazards public health preparedness, in coordination with the efforts of the Department of Health and Human Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

(A) identify the steps necessary to achieve a national bioterrorism and emergency response system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between Federal, State, and local government public health authorities and clinical health care providers; and

(B) coordinate with applicable existing advisory committees of the Centers for Disease Control and Prevention, including such advisory committees comprised of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities."; and

(3) in subsection (e)(5), by striking ‘‘4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act’’ and inserting ‘‘3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011’’;

(4) in subsection (g), by striking ‘‘such sums as may be necessary for each of fiscal years 2007 2011’’ and inserting ‘‘$105,121,000 for each of fiscal years 2012 through 2016’’; and

(5) by adding at the end the following:

"(A) identify the steps necessary to achieve a national emergency preparedness system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between Federal, State, and local government public health authorities and clinical health care providers; and

(B) coordinate with applicable existing advisory committees of the Centers for Disease Control and Prevention, including such advisory committees comprised of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.”; and

"(c) coordinate with applicable existing advisory committees of the Centers for Disease Control and Prevention, including such advisory committees comprised of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities."

"(D) in paragraph (A) and inserting the following:

"(A) by striking ‘‘such sums as may be necessary for each of fiscal years 2007 2011’’ and inserting ‘‘$105,121,000 for each of fiscal years 2012 through 2016’’; and

(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Academies of Sciences, Engineering, and Medicine shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance all-hazards public health preparedness, in coordination with the efforts of the Department of Health and Human Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

(A) identify the steps necessary to achieve a national bioterrorism and emergency response system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between Federal, State, and local government public health authorities and clinical health care providers; and

(B) coordinate with applicable existing advisory committees of the Centers for Disease Control and Prevention, including such advisory committees comprised of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.”; and

"(D) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section consistent with section 319M, the National Academies of Sciences, Engineering, and Medicine shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance all-hazards public health preparedness, in coordination with the efforts of the Department of Health and Human Services to ensure comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

(A) identify the steps necessary to achieve a national emergency preparedness system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between Federal, State, and local government public health authorities and clinical health care providers; and

(B) coordinate with applicable existing advisory committees of the Centers for Disease Control and Prevention, including such advisory committees comprised of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities."

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

(a) OFFICE OF ACCELERATED DRUG, DEVICE, AND BIOTECHNOLOGY INNOVATION REVIEW.—For the Department of Health and Human Services (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking "$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011" and inserting "$375,000,000 for each of fiscal years 2012 through 2016"; and

"(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the Coordinator for Health Information Technology, through a joint public and private sector process; and

(6) by adding at the end the following:

"(F) HUMAN SEVERITY AND BIOTERRORISM RISK MANAGEMENT.—The Secretary, in consultation with the National Academies of Sciences, Engineering, and Medicine, shall identify and assess the factors that are likely to result in a significant public health impact if a chemical, biological, radiological, or nuclear device is used in the United States, and report on plans to address the resulting medical and public health needs."
(A) in paragraph (1), by striking “sections 505, 510(k), and 515 of this Act” and inserting “any provision of this Act’’;

(2) in subsection (b)—

(i) by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(ii) in the subsection heading, by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(iii) by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “under a provision of law referred to in such paragraph’’ and inserting “under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Federal Food, Drug, and Cosmetic Act’’; and

(ii) in subparagraph (B), by striking “the provisions of law referred to in paragraph (2)(A)’’ and inserting “the provisions of law referred to in such paragraph’’ and inserting “may make a declaration that the circumstances exist’’;

(C) in paragraph (3), by striking “a provision of law referred to in such paragraph’’ and inserting “a provision of law referred to in such paragraph’’ and inserting “may make a declaration that the circumstances exist’’;

(D) in paragraph (4), by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(E) in paragraph (5), by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(F) in paragraph (6), by striking “under a provision of law referred to in such paragraph’’ and inserting “under a provision of law in section 505, 510(k), or 515 of this Act or section 351 of the Federal Food, Drug, and Cosmetic Act’’;

(G) in paragraph (7), by striking “any provision of this Act’’ and inserting “any provision of law referred to in paragraph (2)(A)’’;

(2) in subsection (b)—

(A) in the subsection heading, by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(B) in paragraph (1), by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(C) in paragraph (2)(B), by inserting ‘’, taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1), if applicable’’ after “risks of the product’’;

(D) in subsection (d)(3), by inserting ‘’, to the extent practicable given the circumstances of the emergency’’, after “unabridged’’;

(E) in subsection (e)—

(A) in paragraph (1)(A), by striking “circumstances of the emergency’’ and inserting “applicable circumstances described in subsection (b)(1)’’;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “manufacturing of the product’’ and inserting “person’’;

(ii) by striking “EMERGENCY’’ and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE’’;

(F) in subsection (g)—

(A) by adding at the end the following:

“EMERGENCY USE OF MEDICAL PRODUCTS. — "(a) DEFINITIONS.—In this section—

"(1) ELIGIBLE PRODUCT.—The term ‘‘eligible product’’ means a product that—

"(A) is approved or cleared under this chapter and licensed under section 351 of the Public Health Service Act;

"(B) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents, including a product intended to be used to prevent or treat panic disorders; or

"(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

"(C) is intended for use during the circumstances under which—

"(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; and

"(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

"(2) PRODUCT.—The term ‘‘product’’ means a drug, device, or biological product.

"(3) AUTHORITY TO EXTEND EXPIRATION DATE.—The Secretary may extend the expiration date of an eligible product in accordance with this section.

"(2) EXPEDIENCE.—For purposes of this subsection, the term ‘‘expedience’’ means the date established through appropriate stability testing required by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

"(3) EFFECT OF EXTENSION.—Notwithstanding any other provision of this Act or the Public Health Service Act, if the expiration date of an eligible product is extended in accordance with the requirements of this subsection, the Secretary shall make any revisions to an authorization under this section, including extending the expiration date of an eligible product, that are necessary to protect public health.

"(b) Determinations by the Secretary.—If, by extending the expiration date of an eligible product under this subsection, the Secretary shall determine—

"(A) that extension of the expiration date will help protect public health;

"(B) that any extension of expiration is supported by scientific evaluation that is conducted or accepted by the Secretary;

"(C) that changes to the product labeling, if any, are required or permitted, including whether and how any additional labeling communicated the extension of the expiration date,
may alter or obscure the labeling provided by the manufacturer; and

"(D) that any other conditions that the Secretary deems appropriate have been met.

"(5) If the Secretary determines that the use of an eligible product—

(a) in a manner that is necessary and appropriate to protect public health or safety;

(b) during an emergency response to an actual or potential material threat; or

(c) in a manner that is necessary and appropriate to maintain a stockpile or reserve of the eligible product by an order under section 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

"(6) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

"(d) Emergency use instructions.—

"(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform healthcare providers or individuals to whom an eligible product is to be administered of how to use such product. Such emergency use instructions shall—

(A) be in the form of a notice under section 520(f)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practices otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(n) (1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

(B) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such emergency use instructions.

"(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the use of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such emergency use instructions.

"(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(ii); or

(B) training Food and Drug Administration personnel with expertise or experience with countermeasures.

"(3) REVIEW AND APPROVAL OF COUNTERMEASURE ACTIVITIES.—

"(a) AVAILABILITY OF ANIMAL MODEL MEETINGS.—The Secretary, upon request of an entity (including federal, state, local, and tribal government entity), or a person acting on behalf of such an entity, in preparation for an emergency response, may hold a meeting to consider countermeasure activities.

"(6) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in subsection 319F-1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is necessary and appropriate to mitigate the effects of, or reduce the severity of, the circumstances under which such waiver is necessary and appropriate.

"(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively, for

(A) the identification of a material threat described in subparagraph (D) of section 564(b)(1) that has been made pursuant to section 319F-2 of the Public Health Service Act;...

"(d) PRODUCTS HELD FOR EMERGENCY USE.—

"(1) The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 565 as added by subsection (b), the following:

"(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) that has been made pursuant to section 319F-2 of the Public Health Service Act;...

"(b) during an emergency response to an actual or potential material threat; or

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

"(c) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

"(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which—

(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to assessing and evaluating countermeasures; and

(B) training Food and Drug Administration personnel with expertise or experience with countermeasures.

"(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the use of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such emergency use instructions.
include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).

SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb–4), as amended by section 304, is further amended by adding at the end the following:

(1) DEFINITION.—In this subsection, the term ‘eligible countermeasure’ means—

(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F–2(c) of the Public Health Service Act; or

(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures that will facilitate the development of written regulatory management plans in accordance with this subsection.

(3) CONTENT AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of written request to the Secretary. Such request shall include a proposed regulatory management plan.

(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines that a plan cannot be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

(D) CONTENT OF A REGULATORY MANAGEMENT PLAN AGREED TO BY THE SECRETARY AND A SPONSOR OR APPLICANT.—

(A) an agreement between the Secretary and the sponsor or applicant regarding submittal milestones that will trigger responses by the Secretary as described in subparagraph (B);

(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions of the Secretary and other actions carried out as part of the development and review process; and

(C) an agreement on how the plan shall be modified.

(4) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

(A) feedback from the Secretary regarding the data required to support the approval, clearance, listing, or the effective use of the eligible countermeasure involved;

(B) feedback from the Secretary regarding the data necessary to inform any authorization under subsection (b)(3)(A) or (B); and

(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

(D) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of an eligible countermeasure, and plans for conducting the necessary scientific research;

(E) identification of the population for which the countermeasure sponsor or applicant seeks approval, clearance, or licensure, and the population for which desired labeling would not be appropriate, if known; and

(F) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulations, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

(5) PRIORITIZATION.—If the Commissioner of Food and Drugs determines that resources are not available to establish regulatory management plans under this section for all eligible countermeasures that are submitted under paragraph (3)(A), the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner of Food and Drugs, shall prioritize which eligible countermeasures may receive regulatory management plans, and in doing so shall give priority to eligible countermeasures that are security countermeasures.

SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb–4), as amended by section 302, is further amended by adding at the end the following:

(1) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

(B) the identification of scientific gaps that impede the development or approval, licensure, or clearance of countermeasures for populations for which desired labeling would not be appropriate, if known; and

(C) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulations, and administration with respect to the eligible countermeasures that are security countermeasures.

(2) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of pediatric studies under this section.

(3) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 565(a) of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 247d–1a) is amended—

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

(B) by adding at the end the following:

(1) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

(A) shall consider—

(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenomic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

(B) may consider the availability of qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.

(2) STAFF.—In subsection (b), by striking “subsection (a)” and inserting “paragraphs (1) and (2)(A) of subsection (a)”.

March 7, 2012
TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 401. BIOSHEELD.
(a) AUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended by adding at the end the following:

"(c) T RANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–6c(5)) is amended by adding at the end the following:

"(B) on the biennial Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 281(f));"

(b) PROCUREMENT OF COUNTERMEASURES.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(1) in paragraph (1)(B)(i)(I)(bb), by striking "eight years" and inserting "10 years";
(2) in paragraph (5)(B)(ii), by striking "eight years" and inserting "10 years";
(3) in paragraph (7)(C), by striking "in subclause (III), by striking "eight years" and inserting "10 years";
(4) in paragraph (9)(B), by inserting before the period the following: "; except that this subparagraph shall not be construed to prohibit the use of such amounts as otherwise authorized in this title"; and
(5) by adding at the end the following:

"(D) the development of countermeasures (as defined in section 563(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations;"

SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.
(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–6c(4)) is amended—

(1) in subparagraph (B)(ii), by inserting "(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)" after "development";
(2) in subparagraph (D)(ii), by striking "and vaccine manufacturing technologies" and inserting "vaccine manufacturing technologies, dose sparing technologies, efficacy increasing technologies, and technologies";

(b) STRATEGIC PUBLIC-PRIVATE PARTNERSHIP.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–6c(4)) is amended by adding at the end the following:

"(E) STRATEGIC INVESTOR.—

"(i) IN GENERAL.—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent, non-profit entity to—

"(I) foster and accelerate the development and innovation of medical countermeasures and technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products, including through the use of venture capital practices and methods;

"(II) promote the development of new and promising technologies that address urgent medical countermeasure needs, as identified by the Secretary;

"(III) address unmet public health needs that are directly related to medical countermeasure requirements, including for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and

"(IV) provide information and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.

"(ii) ELIGIBILITY.—

"(I) IN GENERAL.—To be eligible to enter into an agreement under clause (i) an entity shall—";

(c) FUNDING.—In awarding a contract, grant, or cooperative agreement under this section, the Secretary shall provide information to the entity to include: a description of the medical countermeasure products; and

(d) REPORT.—Not later than 30 days after any date on which the Secretary determines that the special reserve fund available for procurement is less than $1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing—

"(A) the amount of such funds available for procurement for the period covered by the report;

"(B) the impact such reduction in the amount of such funds available for procurement is less than $1,500,000,000 that the amount of funds in the special reserve fund available for procurement for the period covered by the report is less than $1,500,000,000; and

"(C) the impact such reduction in the amount of such funds available for procurement is less than $1,500,000,000 that the amount of funds in the special reserve fund available for procurement for the period covered by the report is less than $1,500,000,000;"
“(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund $415,000,000 for each of fiscal years 2012 through 2016, such amounts to remain available until expended.”

(e) CONTINUATION INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319F(a)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–6a) is amended by striking “7 years” and inserting “10 years”.

(f) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking “6-year” and inserting “10-year”.

(g) INDEPENDENT EVALUATION.—Section 319L of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:

“(f) INDEPENDENT EVALUATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Government Accountability Office shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

“(2) REPORT.—Not later than 1 year after the date of this subsection, the Government Accountability Office shall submit to the appropriate committees of Congress a report describing the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

“(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

“(B) the activities supported by flexible manufacturing initiatives; and

“(C) the ability of flexible manufacturing activities carried out under this section to—

“(i) secure and leverage leading technical expertise with respect to countermeasure advanced research and development, and manufacturing processes; and

“(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological, and nuclear agents.”

(h) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F–(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a)(a)(2)(A) is amended—

“(A) in the matter preceding clause (i), by striking “to-” and inserting “to-”;

“(B) in clause (i)—

“(i) by striking “diagnose” and inserting “to diagnose”;

“(ii) by striking “;” or “;” and inserting a semicolon;

“(C) in clause (ii)—

“(i) by striking “diagnose” and inserting “to diagnose”;

“(ii) by striking the period at the end and inserting “;”;

“(D) by adding at the end the following:

“(ii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).”;

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a)(a)(2)(A) is amended—

“(A) in clause (i)(II), by striking “;” or “;” and inserting “;”;

“(B) in clause (ii), by striking “;” and inserting “;”;

“(C) by adding at the end the following:

“(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).”;

(3) TECHNICAL AMENDMENTS.—Section 319F–(i) of the Public Health Service Act (42 U.S.C. 247d–6a) is amended—

“(A) in paragraph (1)(C), by inserting “, or 564B” after “564A”; and

“(B) in paragraph (1)(H)(iii), by inserting “, 564A, or 564B” after “564”;

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

(a) IN GENERAL.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

“(1) in subsection (a)—

“(A) in paragraph (1)—

“(i) by inserting “consistent with section 2811” before “by the Secretary to be appropriate”;

“(ii) by inserting before the period at the end the following: “and shall submit such review annually to the appropriate Congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security”;

“(B) in paragraph (2)—

“(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

“(ii) by inserting after subparagraph (D), the following:

“(E) identify and address the potential depletion and ensure appropriate replenishment of medical countermeasures, including those currently in the stockpile;”;

“(2) in subsection (j)(1), by striking “$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006” and inserting “$522,486,000 for each of fiscal years 2012 through 2016”.

(b) REPORT ON POTASSIUM IODIDE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report regarding the stockpiling of potassium iodide. Such report shall include—

“(1) an assessment of the availability of potassium iodide at Federal, State, and local levels; and

“(2) a description of the extent to which such activities and policies provide public health protection in the event of a nuclear incident, whether sequential or deliberate, including an act of terrorism.

SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6a) is amended—

“(1) in paragraph (2)—

“(A) in subparagraph (D)—

“(i) in the matter preceding clause (i), by striking “five” and inserting “six”;

“(ii) in clause (i), by striking “and” at the end;

“(iii) in clause (i), by striking the period and inserting a semicolon;

“(iv) by adding at the end the following:

“(iii) one such member shall be an individual with pediatric expertise; and

“(iv) one such member shall be a State, tribal, territorial, or local public health official.”;

“(B) in subparagraph (C), by striking “and” at the end;

“(2) in paragraph (5)—

“(A) in subparagraph (B), by striking “and” at the end;

“(B) in subparagraph (C), by striking the period and inserting “;”;

“(C) by adding at the end the following:

“(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.”;

“(3) in subparagraph (C), by adding at the end the following:

“(D) Such chairperson shall serve as the deciding vote in the event that a deciding vote is necessary with respect to voting by members of the Board.”

Mr. REID. Mr. President, I ask unanimous consent that the Harkin amendment, which is at desk, be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read the third time and passed, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 1823) was agreed to, as follows:

(Purpose: To make certain technical corrections)

On page 80, line 18, insert “medical and public health” before “needs of children”.

On page 80, lines 19 and 20, strike “,” and inserting “, including public health emergencies.”

On page 82, between lines 5 and 6, insert the following:

“(G) the Administrator of the Federal Emergency Management Agency.”

On page 82, line 6, strike “(G) at least two” and insert “(H) at least two non-Federal.”

On page 82, line 5, strike “(H)” and insert “(I)”.

On page 82, line 13, strike “(I)” and insert “(J)”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1855), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1855
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 “Pandemic and All-Hazards Preparedness Act Reauthorization of 2011.”

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

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES


Sec. 102. Assistant Secretary for Preparedness and Response.

Sec. 103. National Advisory Committee on Children and Disasters.

Sec. 104. Modernization of the National Disaster Medical System.

Sec. 105. Continuing the role of the Department of Veterans Affairs.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Improving State and local public health security.

Sec. 202. Hospital preparedness and medical surge capacity.

Sec. 203. Enhancing situational awareness and biosurveillance.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT

Sec. 301. Special protocol assessment.


Sec. 303. Definitions.

Sec. 304. Enhancing medical countermeasure activities.

Sec. 305. Regulatory management plans.

Sec. 306. Report.

Sec. 307. Pediatric medical countermeasures.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

Sec. 401. BioShield.

Sec. 402. Biomedical Advanced Research and Development Authority.
TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

(a) In General.—Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(1), by striking "2009" and inserting "2014"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "and the Secretary" and inserting "and the Secretary, with respect to the Department of Health and Human Services, and the Director of the Biomedical Advanced Research and Development Authority, with respect to the Department of Defense"; and

(B) in paragraph (2), by striking "(I)" and inserting "(I) national priorities identified in the National Preparedness Goal".

(b) Fiscal Year.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh–2) is amended—

(1) by adding at the end the following:

"(1) by striking paragraphs (3) and (4) and inserting the following:

"(1) align and coordinate medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including planning for the prevention, detection, and response to public health emergencies and incidents, and medical assets' needs and goals; and

"(2) carry out activities, in coordination with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify and prioritize funding allocations, and policies related to all-hazards medical and public health preparedness, including exercises based on—

(A) identified threats for which countermeasures are available and for which no countermeasures are available; and

(B) unknown threats for which no countermeasures are available, identified threats, and exercises based on—

(1) public health emergencies and incidents; and

(2) identified threats for which countermeasures are available and for which no countermeasures are available; and

(3) by adding at the end the following:

"(b) Functions.—The Assistant Secretary for Preparedness and Response shall, on a periodic basis conduct meetings, as applicable and appropriate, with the Assistant to the President for National Security Affairs to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.

(c) Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan.—In General.—No later than 180 days after the date of enactment of this subsection, and every other year thereafter, the Secretary, acting through the Assistant Secretary for Preparedness and Response, shall consult with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration, shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats, Such strategy and plan shall be known as the ‘Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan’.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

Section 2111 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—

(1) in subsection (b)(4), by adding at the end the following:

"(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response to public health threats and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan, and, following public health emergencies.

(2) by striking subsection (c) and inserting the following:

"(c) Functions.—The Assistant Secretary for Preparedness and Response shall—

"(1) have authority over and responsibility for—

"(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

"(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

"(C) the Medical Reserve Corps pursuant to section 319C–1;

"(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319L; and

"(E) the Disease Behavior and Public Health Knowledge Program pursuant to section 319F–2

(3) by adding at the end the following:

"(2) by striking paragraph (5), (7), and (8); and

(4) by adding at the end the following:

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

"(4) by adding at the end the following:

"(5) by inserting after paragraph (2), the following:

"(D) be informed by the recommendations provided under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile; and

"(E) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

(5) by inserting after paragraph (2), the following:

"(2) be informed by the recommendations provided under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile; and

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

"(3) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

(6) by inserting at the end the following:

"(1) monitor emerging issues and concerns as applicable and provide necessary leadership, direction, and information to, and respond to, and, and other applicable Federal departments and agencies, as necessary and appropriate, to identify and prioritize funding allocations, and policies related to all-hazards medical and public health preparedness, including exercises based on—

(A) identified threats for which countermeasures are available and for which no countermeasures are available; and

(B) unknown threats for which no countermeasures are available, identified threats, and exercises based on—

(1) public health emergencies and incidents; and

(2) identified threats for which countermeasures are available and for which no countermeasures are available; and

(3) by adding at the end the following:

"(b) NATIONAL SECURITY PRIORITY.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall—

"(1) have authority over and responsibility for—

"(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

"(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

"(C) the Medical Reserve Corps pursuant to section 319C–1;

"(D) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319L; and

"(E) the Disease Behavior and Public Health Knowledge Program pursuant to section 319F–2

"(2) be informed by the recommendations provided under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile; and

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

"(3) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

"(4) by inserting at the end the following:

"(4) be informed by the recommendations provided under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile; and

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

"(5) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

"(6) by inserting at the end the following:

"(6) be informed by the recommendations provided under subparagraph (B), including projected needs with regard to replenishment of the Strategic National Stockpile; and

"(7) by adding at the end the following:

"(7) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;
SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the end the following:

"SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON DISASTERS.

"(a) Establishment.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the ‘National Advisory Committee on Children and Disasters’ (referred to in this section as the ‘Advisory Committee’).

"(b) Duties.—The Advisory Committee shall—

"(1) provide advice and consultation with respect to the activities carried out pursuant to section 2811, as applicable and appropriate;

"(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards; and

"(3) provide advice and consultation to States and territories with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 319F–2.

"(c) Additional Duties.—The Advisory Committee may provide advice and recommendations with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

"(d) Membership.—

"(1) In General.—The Secretary, in consultation with such other Federal departments and agencies as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

"(2) Required Members.—The Secretary, in consultation with such other Federal departments and agencies as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

"(A) the Assistant Secretary for Preparedness and Response;

"(B) the Director of the Biomedical Advanced Research and Development Authority;

"(C) the Commissioner of Food and Drugs;

"(D) the Director of the National Institutes of Health;

"(E) the Assistant Secretary of the Administration for Children and Families; and

"(F) the Administrator of the Federal Emergency Management Agency;

"(G) at least two non-Federal health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

"(D) at least two representatives from State, local, educational, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

"(E) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

"(f) Meetings.—The Advisory Committee shall meet not less than biannually.

"(g) Continuation.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011."

SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(3)—

"(A) make appropriate, may appoint to the appropriate committees of Congress upon request.

"(g) COORDINATION PLAN.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report concerning the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

"(1) the research, advanced research, development, procurement, stocking, and replenishment of the Strategic National Stockpile; and

"(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

"(h) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (e), (f), and (g), the Secretary shall ensure that information and items that could compromise national security are not disclosed.

"$56,000,000 for each of fiscal years 2012 through 2016" and inserting "$156,500,000 for each of fiscal years 2012 through 2016".

SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 8117(g) of title 38, United States Code, is amended by striking "such sums as may be necessary for each of the fiscal years 2007 through 2011" and inserting "such sums as may be necessary for each of fiscal years 2012 through 2016".

TITLES III—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

"(g) COOPERATIVE AGREEMENTS.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 336a–1) is amended—

"(a) in paragraph (3)—

"(i) by striking clauses (i) and (ii) and inserting the following:

"(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);";

(b) in paragraph (4), by striking "and at the end; and"

"(i) by adding at the end the following:

"(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response; and

"(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 611 of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (as defined in section 685 of the Child Care and Development Block Grant Act) to the extent that the entity programs receive awards under title IV-B of the Juvenile Justice and Delinquency Prevention Act of 1974", and

"(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, to the extent that the entity programs receive awards under title IV-B of the Juvenile Justice and Delinquency Prevention Act of 1974, to work with the State educational agencies (as defined in section 611 of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (as defined in section 685 of the Child Care and Development Block Grant Act) to the extent that the entity programs receive awards under title IV-B of the Juvenile Justice and Delinquency Prevention Act of 1974,";
United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally-occurring or due to bioterrorism, consistent with the requirements of this section;"; and

(B) in paragraph (2)(A), by adding at the end the following: "The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1);"; and

(3) in subsection (i)—

(A) in paragraph (1)(A)—

(i) in subparagraph (a), by striking ''$632,900,000 for fiscal year 2007'' and inserting ''$632,900,000 for fiscal year 2012''; and

(ii) by striking such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''such sums for each of fiscal years 2007 through 2016''.

(3) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 230h-15) is amended—

(A) in subsection (d)(2), by adding at the end the following: "Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency;" and

(B) in subsection (i), by striking ''$32,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$31,900,000 for each of fiscal years 2012 through 2016''.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking "centers, primary" and inserting "centers, community health centers, primary"; and

(2) by striking subsection (c) and inserting the following:

"(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described in paragraphs (1), (2), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.;

(3) by striking subsection (g) and inserting the following:

"(g) COORDINATION.—(1) LEAD CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with all-hazard preparedness efforts under this Act (42 U.S.C. 247d–3b) and section 1907 of the Public Health Service Act (42 U.S.C. 247d–7a) with the Office of the Assistant Secretary for Preparedness and Response and with the appropriate local, regional, and State entities in order to minimize duplication of effort.;

(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnershhip(s) consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described in paragraphs (1), (2), (3), (4), (5), and (6) of section 2802(b)."; and

(4) in subsection (j)—

(A) in paragraph (1), by striking "$47,000,000 for each of fiscal years 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011" and inserting "$378,000,000 for each of fiscal years 2012 through 2016"; and

(B) by adding at the end the following: "(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—"(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to such funds provided to an eligible entity under a cooperative agreement for purposes of achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (1).".

SEC. 202. ENTERPRISE PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–4a) is amended by striking "public health or medical" and inserting "public health, medical, or dental";

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319(k) of the Public Health Service Act (42 U.S.C. 247d–7k) is amended by striking ''(B) modernize and enhance biosurveillance.''

(c) USE OF FUNDS.—An award under section 319F(a) shall be coordinated with all-hazard preparedness efforts under this Act (42 U.S.C. 247d–4a) with the Office of the Assistant Secretary for Preparedness and Response and with the appropriate local, regional, and State entities in order to minimize duplication of effort.;

(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity under a cooperative agreement under this section may, to the extent practicable, collaborate with the appropriate committees of Congress, a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3); and

(B) modernize and enhance biosurveillance activities.;

(D) in paragraph (3)(D), by inserting "community health centers, health centers" after "poison control,";

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) CONSULTATION WITH THE NATIONAL BIOLOGICAL DEFENSE SCIENCE BOARDS.—The Secretary shall authorize the National Biological Defense Science Boards to provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Human Services to improve comprehensive, real-time all-hazards biosurveillance capabilities. In complying with the
preceding sentence, the National Biodefense Science Board shall—

"(A) identify the steps necessary to achieve a national biosurveillance system for pathogens and other biological threats that are of international or national concern and describing the potential for the detection of such pathogens and other biological threats that are of international or national concern; and

(C) in paragraph (3), by striking "a provision of law referred to in such paragraph" and inserting "a provision of law referred to in paragraph (2)(A)";

(2) in subsection (b)—

(A) in the subsection heading, by striking "EMERGENCY" and inserting "EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE";

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "may declare an emergency and" and inserting "may make a declaration that the circumstances exist;";

(ii) in subparagraph (A), by striking "specified" and inserting "specified;";

(iii) in subparagraph (B)—

(1) by striking "specified"; and

(2) by striking "or" and inserting a semicolon;

(iv) by amending subparagraph (C) to read as follows:

"(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agents or agents, or;

(v) by adding at the end the following:

"(D) the identification of a material threat pursuant to section 355(f)-2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad."; and

(C) in paragraph (4), by striking "such sums as may be necessary in each of fiscal years 2007 through 2011" and inserting "$180,000,000 for each of fiscal years 2012 through 2016"; and

(5) by adding at the end the following:

"(h) DEFINITION.—For purposes of this section the term "biosurveillance" means the process of gathering near-real-time, biological data that relates to disease activity and threats to human and zoonotic health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events and onset of situational awareness of disease activity.".

TITHE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 565(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking "size of clinical trials intended which will, in combination, are intended to form the primary basis of an effectiveness claim; or"

"(II) the case in which human efficacy studies are not ethical or feasible, of animal and any other clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or"

"(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies."

The sponsor or applicant.

SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) In General.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-6) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "sections 505, 510(k), and 515 of this Act" and inserting "any provision of law referred to in such paragraphs;";

(B) in paragraph (2)(A), by striking "under a provision of law referred to in such paragraphs;" and

(c) in paragraph (2)(C), by striking "tak-
(7) in subsection (b)(1), by adding after the period at the end the following: “The Secretary may make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration;” and
(b) by adding at the end of subsection (j) the following:
“(4) In this section the term ‘qualified pandemic or epidemic product’ means a product that—
(A) is approved, cleared, or licensed under this chapter or section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act; and
(B) is included under this paragraph pursuant to the definition given such term in section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act.”;
(2) in subsection (d), by striking paragraph (A), (B), or (C) of section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act;”.
(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A the following:

**SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.**

“It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, and tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

(1) is intended to be held and not used; and
(2) is held and not used, unless and until that product—
(A) is approved, cleared, or licensed under this Act; or
(B) is included under this paragraph pursuant to the definition given such term in section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act;”.

**SEC. 303. DEFINITIONS.**

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by striking “The Secretary, in consultation” and inserting the following:

“SEC. 565B. COUNTERMEASURE ACTIVITIES.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by striking paragraph (A), (B), or (C) of section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act;”.

**SEC. 504. TECHNICAL ASSISTANCE.** The term ‘technical assistance’ means—

(1) a determination described in paragraph (A), (B), or (C) of section 564(b)(1) has been made pursuant to section 319F-2 of the Public Health Service Act;”.

**SEC. 505. GENERAL DUTIES.**—In order to accelerate the development, stockpiling, approval, and distribution of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary shall—

(1) make available, or cause to be made available, to the extent practicable and appropriate, technical assistance under paragraphs (3) and (4); and
(2) authorize the Secretary to establish regulations under section 564A that are necessary and appropriate to protect public health or safety.”.
(A) a meeting to discuss proposed animal model development activities; and

(B) a meeting prior to initiating pivotal animal studies.

(2) PROMOTING MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

(3) REVIEW AND APPROVAL OF COUNTERMEASURES.—

(A) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

(B) REVIEW EXPEDITIO.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).

SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended, is further amended by adding at the end the following:

"(c) DEVELOPMENT AND ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development of population-isolating, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure for a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug or investigational device exemption in effect, to facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

"(d) PROMOTING MODELS.—To promote the development and selection of animal models for pediatric populations, as necessary and appropriate, and to meet the needs of populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate;

"(e) REVIEW AND APPROVAL OF COUNTERMEASURES.—

(A) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

(B) REVIEW EXPEDITIO.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).

SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended, is further amended by adding at the end the following:

"(c) DEVELOPMENT AND ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development of population-isolating, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure for a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug or investigational device exemption in effect, to facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

"(d) PROMOTING MODELS.—To promote the development and selection of animal models for pediatric populations, as necessary and appropriate, and to meet the needs of populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate;

"(e) REVIEW AND APPROVAL OF COUNTERMEASURES.—

(A) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

(B) REVIEW EXPEDITIO.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).

"(f) ANNUAL REPORT.—Not later than 180 days after the enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Natural Resources of the Senate a report that details the countermeasure development and review activities.
of the Food and Drug Administration, including—

"(1) with respect to the development of new tools, standards, and approaches to assess countermeasures; and

"(2) the identification of priorities for the Food and Drug Administration and the progress made on such priorities; and

"(3) in consultation with the Assistant Secretary for Preparedness and Response, the Secretary for Preparedness and Response, and the regulatory management plan made by the Secretary pursuant to subsection (a)(4)(B) and the regulatory management plan has been met, including, for each such countermeasure—

"(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

"(B) whether the Secretary adhered to the timelines and appropriate response times set forth in such plan; and

"(C) explanations for any failure to meet such performance targets and goals.

"(4) regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the metrics for, and the number of, such teams as made as a result of consultations carried out under subsection (b)(4)(A);

"(5) an estimate of resources obligated to countermeasure development and regulatory assessment, including Center specific objectives and accomplishments;

"(6) countermeasure applications submitted, the number of countermeasure applications approved, licensed, or cleared, the status of remaining submitted applications, and the number of each type of authorization issued pursuant to section 564; and

"(7) the number of requests for a regulatory management plan submitted pursuant to subsection (d)(3), and the number of such plans developed for security countermeasures.

SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

"(1) in paragraph (1), by striking "the Secretary may consider the availability of qualified pediatric studies in support of a drug for pediatric populations." and inserting the following:

"(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetics, determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

"(B) in paragraph (2), by striking ''the Secretary for Preparedness and Response, consistent with the purposes of this section.''; and

"(C) by adding at the end the following:

"(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the purposes of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable allocable direct cost of the contract involved.'';

"(2) in paragraph (4), by inserting before the period the following:

"(1) the number of, type of, and any progress consistent with the purposes of this section, enter into contracts and other agreements as described in paragraph (5); and

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

"(D) the development of countermeasures (as defined in section 565a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.''

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 401. BIOSFELD.

(a) RAHTORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–2(c)) is amended by adding at the end the following:

"(1) the Secretary shall consider—

"(i) the number of countermeasures developed and procured; and

"(ii) the number of, type of, and any progress consistent with the purposes of this section, enter into contracts and other agreements as described in paragraph (5); and

"(i) in general.—To support the purposes described in paragraph (2), the Secretary, acting through the Director of BARDA, may enter into an agreement (including through the use of grants, contracts, cooperative agreements, or other transactions as described in paragraph (5)) with an independent organization, to foster and accelerate the development and innovation of medical countermeasures

"(B) by striking "eight years" and inserting "10 years"; and

"(C) by adding at the end the following:

"(XV) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may provide—

"(aa) may specify—

"(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

"(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

"(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

"(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (11), (b), and (c) of section 2811(d).''.
and technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products, including strategic investment in flexible manufacturing capacity, such as novel antimicrobials for multidrug resistant organisms and multiuse platform technologies for diagnostics, prophylaxis, vaccines, and therapeutics; and

(IV) provide expert consultation and advice to foster viable medical countermeasure innovators, including helping qualified countermeasure innovators navigate unique industry challenges with respect to developing chemical, biological, radiological, and nuclear countermeasure products.

(ii) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to enter into an agreement under clause (i) an entity shall—

(aa) be an independent, non-profit entity not otherwise affiliated with the Department of Health and Human Services;

(bb) have a demonstrated record of being able to create linkages between innovators and investors and leverage such partnerships and resources for the purpose of addressing identified strategic needs of the Federal Government;

(cc) have experience in promoting novel technology innovation;

(dd) be problem driven and solution focused based on the needs, requirements, and problems identified by the Secretary under clause (ii); and

( ee) demonstrate the ability, or the potential ability, to promote the development of medical countermeasure products; and

(ff) demonstrate expertise, or the capacity to develop or acquire expertise, related to technical and regulatory considerations with respect to medical countermeasures.

(ii) PARTNERING EXPERIENCE.—In selecting an entity with which to enter into an agreement under clause (i), the Secretary shall place a high value on the demonstrated experience of a partnering with the Federal Government to meet identified strategic needs.

(iii) NOT AGENCY.—An entity that enters into an agreement under clause (i) shall not be deemed to be a Federal agency for any purpose, including for any purpose under title X or any Federal statute.

(iv) DIRECTORS.—Pursuant to an agreement entered into under this subparagraph, the Secretary, acting through the Director of BARD, shall provide direction to the entity that enters into an agreement under clause (i). As part of this agreement the Director of BARD shall—

(U) communicate the medical countermeasure needs, requirements, and problems to be addressed by the entity under the agreement;

(ii) develop a description of work to be performed by the entity under the agreement;

(iii) provide technical feedback and appropriate oversight over work carried out by the entity under the agreement, including subsequent development and partnerships consistent with the needs and requirements set forth in this subparagraph;

(iv) ensure fair consideration of products developed under the agreement; and

(v) ensure, as a condition of the agreement—

(aa) a comprehensive set of policies that demonstrate a commitment to transparency and accountability related to the entity under the agreement;

(bb) protection against conflicts of interest through a comprehensive set of policies that address potential conflicts of interest, including disclosure, and reporting requirements;

(cc) that the entity provides monthly accounting on the use of funds provided under such agreements; and

(dd) that the entity provides on a quarterly basis, reports regarding the progress made toward meeting the identified needs set forth in the agreement.

(v) SUPPLEMENT NOT SUPPLANT.—Activities carried out under this subparagraph shall supplement, and not supplant, other activities carried out under this section.

(vi) NO ESTABLISHMENT OF ENTITY.—To prevent unnecessary duplication and target resources effectively, nothing in this subparagraph shall be construed to authorize the Secretary to establish within the Department of Health and Human Services a strategic investor entity.

(vii) TRANSPARENCY AND OVERSIGHT.—Upon request, the Secretary shall provide to Congress the information provided to the Secretary under clause (iv)(V//dd).

(viii) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of this subparagraph, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subparagraph. Such report shall include recommendations with respect to any agreement or activities carried out pursuant to this subparagraph.

(ix) SUNSET.—This subparagraph shall have no force or effect after September 30, 2016.

(c) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund $415,000,000 for each of fiscal years 2012 through 2016, such amounts to remain available until expended.

(e) CONTINUITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(C)) is amended by striking “7 years” and inserting “5 years”.

(f) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–9a note) is amended by striking “6-year” and inserting “10-year”.

(g) INDEPENDENT EVALUATION.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:

(1) INDEPENDENT EVALUATION.—

(aa) A report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

(A) the extent to which flexible manufacturing capacity provided under this section is dedicated to chemical, biological, radiological, and nuclear threats;

(B) the activities supported by flexible manufacturing initiatives; and

(C) the ability of flexible manufacturing activities carried out under this section to—

(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological and nuclear agents.

(b) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F–3(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking “to” and inserting “or”;

(B) in clause (i)—

(i) by striking “diagnose” and inserting “diagnose”, and

(ii) by striking “or” and inserting “or”, and

(C) by adding at the end the following:

(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii);

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d–6(h)(1)(7)(A)) is amended—

(A) in clause (i)(III), by striking “or” and inserting “or”;

(B) in clause (ii), by striking “; and” and inserting “; or”;

(C) by adding at the end the following:

(i) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii);

(3) TECHNICAL AMENDMENTS.—Section 319F– 3(i) of the Public Health Service Act (42 U.S.C. 247d–6(i)) is amended—

(A) in paragraph (1)(C), by inserting “, 564A, or 564B after ‘564’,”;

(B) in paragraph (7)(B)(iii), by inserting “, 564A, or 564B after ‘564’. “;

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

(a) IN GENERAL.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6(b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “consistent with section 2811” before “by the Secretary to be appropriate”; and

(ii) by inserting before the period at the end of paragraph (1)—

(A) a report concerning the results of section 2811 before “by the Secretary to be appropriate”;

(B) by inserting “6-year” and inserting “10-year”.

(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

(A) the extent to which flexible manufacturing capacity provided under this section is dedicated to chemical, biological, radiological, and nuclear threats;

(B) the activities supported by flexible manufacturing initiatives; and

(C) the ability of flexible manufacturing activities carried out under this section to—

(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological and nuclear agents.”. 
"(E) identify and address the potential depletion and ensure appropriate replenishment of medical countermeasures, including those currently in the stockpile;"; and

(2) in paragraph (b), by striking "$630,000,000 for fiscal year 2012, and such sums as may be necessary for each of fiscal years 2003 through 2006" and inserting "$622,486,000 for each of fiscal years 2012 through 2016".

(b) REPORT ON POTASSIUM IODIDE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report regarding the stockpiling of potassium iodide. Such report shall include—

(1) an assessment of the availability of potassium iodide at Federal, State, and local levels; and

(2) a description of the extent to which such activities and policies provide public health protection in the event of a nuclear incident, whether unintentional or deliberate, including an act of terrorism.

SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 312(b)(6) of the Public Health Service Act (42 U.S.C. 247d-4(a)(6)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) in the matter preceding clause (i), by striking "five" and inserting "six";

(ii) in clause (i), by striking "and" at the end;

(iii) in clause (ii), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(iii) such member shall be an individual with pediatric subject matter expertise; and"

"(iv) such member shall be a State, tribal, territorial, or local public health official;" and

(B) by adding at the end the following flush sentence:

"Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D)."

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) in the first and only paragraph of the section referenced in subparagraph (C), or report provided to the Secretary under this paragraph to the appropriate committees of Congress;"; and

(3) in paragraph (6), by adding at the end the following:

"Such chairperson shall serve as the deciding vote in the event that a deciding vote is necessary with respect to voting by members of the Board.";

HONORING THE LIFE AND LEGACY OF THE HONORABLE DONALD M. PAYNE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 390.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 390) honoring the life and legacy of the Honorable Donald M. Payne.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the Record.

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

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 390

Whereas the Honorable Donald M. Payne was born in Newark, New Jersey on July 16, 1934, graduated from Barringer High School in Newark, attended Amherst College in South Orange, New Jersey, and pursued graduate studies at Springfield College in Massachusetts;

Whereas the Honorable Donald M. Payne was an educator in the Newark and Passaic, New Jersey public schools and was an executive at Prudential Financial and at Urban Data Systems Inc.;

Whereas the Honorable Donald M. Payne became the first African American national president of the YMCA in 1970 and served as Chairman of the World Refugee and Rehabilitation Committee of the YMCA from 1973 to 1981;

Whereas the Honorable Donald M. Payne served 3 terms on the Essex County Board of Chosen Freeholders and 3 terms on the Newark Municipal Council;

Whereas, in 1988, the Honorable Donald M. Payne became the first African American elected to the United States House of Representatives from the State of New Jersey;

Whereas the people of New Jersey overwhelmingly reelected the Honorable Donald M. Payne 11 times, most recently in 2010, when the Honorable Donald M. Payne was elected to represent the Tenth Congressional District of New Jersey for a 12th term;

Whereas the Honorable Donald M. Payne was a tireless advocate for his constituents, bringing significant economic development to Essex, Hudson, and Union Counties in New Jersey;

Whereas, as a senior member of the Committee on Education and the Workforce of the House of Representatives, the Honorable Donald M. Payne was a leading advocate for public schools, college affordability, and workplace protections;

Whereas, as a senior member of the Committee on Foreign Affairs of the House of Representatives, the Chairman and Ranking Member of the Subcommittee on Africa, Global Health, and Human Rights, and a member of the Subcommittee on the Western Hemisphere, the Honorable Donald M. Payne led efforts to restore democracy and human rights around the world, including in Northern Ireland and Sudan;

Whereas the Honorable Donald M. Payne was a leader in the field of global health, co-founding the Malaria Caucus, and helping to secure passage of a bill authorizing $50,000,000 for the prevention and treatment of HIV/AIDS, tuberculosis, and malaria;

Whereas the Honorable Donald M. Payne served as Chairman of the Congressional Black Caucus Foundation and previously as Chairman of the Congressional Black Caucus;

Whereas, in March 2012, the United States Agency for International Development launched the Donald M. Payne Fellowship Program to attract outstanding young people to careers in international development;

Whereas the Honorable Donald M. Payne served on the boards of directors of the National Endowment for Democracy, TransAfrica, the Discovery Channel Global Education Partnership, the Congressional Award Foundation, the Boys and Girls Clubs of Newark, the Newark Day Center, and the Newark YMCA;

Whereas the Honorable Donald M. Payne was the recipient of numerous honors and awards, including honorary doctorates from multiple universities;

Whereas the Honorable Donald M. Payne passed away on March 6, 2012, and is survived by 3 children, 4 grandchildren, and 1 great-grandchild; and

Whereas the Honorable Donald M. Payne’s long history of service will have an enduring impact on people in New Jersey, across the United States, and around the world: Now, therefore, be it

Resolved. That the Senate—

(1) expresses profound sorrow at the death of the Honorable Donald M. Payne, United States Representative for the Tenth Congressional District of New Jersey;

(2) conveys the condolences of the Senate to the family of the Honorable Donald M. Payne; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the House of Representatives and the family of the Honorable Donald M. Payne.

DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2152, the Syrian Democracy Transition Act of 2012, and the bill be referred to the Committee on Foreign Relations.

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

MEASURE READ THE FIRST TIME—S. 2173

Mr. REID. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2173) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Mr. REID. I ask for a second reading in order to place the bill on the calendar under rule XIV but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, March 7, 2012, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

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

ORDERS FOR THURSDAY, MARCH 8, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate
The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, so everyone understands, we have reached agreement to complete action on the surface transportation bill. Under the order we just entered, we can finish this tomorrow. It is a huge job. We have 30 amendments we have to dispose of, so there is no question that Senators should expect a number of votes tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 10:28 p.m., adjourned until Thursday, March 8, 2012, at 9:30 a.m.
EXTENSIONS OF REMARKS

A TRIBUTE TO MIKE GLOVER
HON. TOM LATHAM
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize the career of one of the preeminent voices of Iowa journalism. Mike Glover, whose byline has accompanied countless Associated Press reports from the Iowa Capitol for three decades, announced this week that he’s retiring in May.

Mr. Glover’s work has appeared on the front pages of newspapers across Iowa and throughout the country, offering concise and timely news and analysis on some of the biggest political stories of our time. He’s covered nearly every major presidential contender to pass through Iowa before the state’s first-in-the-nation caucuses. And while the Iowa General Assembly is in session, his presence in the halls of the Statehouse in Des Moines seems nearly ubiquitous as he tracks down the news of the day.

Mr. Glover began his career working for newspapers in Fort Dodge, Iowa, and Bloomington, Illinois, before he started at the Associated Press, where he would spend the next 32 years. He currently lives in Windsor Heights with his wife, Betty, who serves on the Windsor Heights City Council. Throughout Iowa’s political and journalistic circles, he’s earned a reputation for doggedly pursuing the truth and reporting the facts in a no-nonsense fashion.

To my great pleasure—and occasionally to my consternation—Mr. Glover has put me in the crosshairs of his tough-but-fair questioning on numerous occasions during my appearances on Iowa Press, a weekly news and current events program on Iowa Public Television. I know Mr. Glover to be a consummate professional and a true newsman in every sense of the word.

Mr. Speaker, in an increasingly chaotic and fractured media environment, Mr. Glover’s career is a shining example of the importance of objective and factual reporting, something I know every member of this chamber respects and appreciates. Please join me in congratulating Mike Glover on his illustrious career and wishing him a happy retirement.

ST. GEORGE’S CARPATHO-RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH
HON. LOU BARLETTA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. BARLETTA. Mr. Speaker, I rise today to congratulate the parishioners of St. George’s Carpatho-Russian Orthodox Greek Catholic Church in Taylor, Pennsylvania, who are celebrating the church’s 75th anniversary.

In 1937, immigrants from Eastern Europe would labor for long hours in the coal mines of Northeastern Pennsylvania, then report to the site of a future church. There, they would help excavate and construct the building. Many parishioners generously mortgaged their homes to provide collateral for the project. On October 3, 1937, the cornerstone was dedicated, and St. George’s Carpatho-Russian Orthodox Greek Church began its mission of glorifying God.

In 1954, a tragic gas explosion destroyed the church hall and tested the parish’s resilience. Officers and trustees immediately established plans to rebuild, and two months later, St. George’s Social Club rooms were completely rebuilt and reopened. Members of the congregation would be challenged again in 1975, as a mine subsidence threatened the church and forced the congregation to move. Four years later, St. George’s found its permanent home on Keyser Avenue near Scranton. This modern church complex, which can hold 350 of the faithful, is among the most beautiful in Northeastern Pennsylvania.

Today, the dedicated parishioners of St. George’s continue a great tradition started by their forebears 75 years ago. This generation’s goal is to continue the work done by past generations. The present church is the result of faithfulness to the teachings, customs, and traditions of immigrants from Eastern Europe.

With the guidance of their present pastor, Father Mark Leasure, the church welcomes all families as they seek to explore the rich Christian faith.

Mr. Speaker, I offer my most sincere congratulations and deepest respect to the parishioners of St. George’s Carpatho-Russian Orthodox Greek Catholic Church of Taylor, Pennsylvania, and I wish them many years of successful, future service.

TRIBUTE TO BEXTON PLACE AND THE RETIREMENT HOUSING FOUNDATION
HON. CHARLES A. GONZALEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Bexton Place Apartments in my district in San Antonio. Bexton Place is a member of the Retirement Housing Foundation, and they will join in celebrating the foundation’s fifty years of service to the community on March 13, 2012.

The Retirement Housing Foundation is a non-profit organization of 159 communities in 24 States, Washington, D.C., Puerto Rico, and the U.S. Virgin Islands, providing housing and services to more than 17,000 older adults, low-income families, and persons with disabilities.

Throughout the past fifty years the foundation has fostered an environment in which team members work to make life better for thousands of San Antonians. This pinnacle achievement speaks to both the past laurels and future service of Bexton Place. Bexton Place strives to provide all persons with quality affordable housing so that San Antonio families do not have to sacrifice paying the rent for other basic necessities.

The noble mission of the Retirement Housing Foundation is as important today as it was fifty years ago. Its impact on our communities cannot be overstated. I would again ask you to congratulate Bexton Place and the Retirement Housing Foundation on their fifty years of ensuring that low-income families and individuals have access to quality housing.

RECOGNIZING STEVEN O’CONNOR
HON. CHARLES F. BASS
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to recognize Steven O’Connor of Milford, New Hampshire. A remarkable young man who, in June of 2010, demonstrated immense bravery and courage in order to save his younger sister’s life.

Steven, who was a Webelos Cub Scout at the time, had just recently learned how to swim when, while celebrating Father’s Day at his grandparents’ house with his family, Mackenzie O’Connor, Steven’s younger sister, had slipped underwater and was struggling to stay afloat when Steven leaped into action. Before any of the adults had time to react to Mackenzie’s struggles, Steven had jumped into the pool and pulled his younger sister to safety.

Steven’s selfless and heroic actions are commendable, and I am incredibly impressed by this young man’s quick thinking and fearless instincts. Steven will be awarded with the Boy Scouts of America’s Meritorious Action Award this Saturday in Hollis, New Hampshire, an award that is truly well-deserved.

Steven’s parents, grandparents, sister, and extended family, as well as his friends and teachers, must be extremely proud of his bravery, and I join the people of Milford, and indeed the entire Granite State, in congratulating Steven on a job well done. I wish him all the best in his future endeavors, particularly as he seeks to become an Eagle Scout.

PENSACOLA CHRISTIAN COLLEGE COMMUNITY HONORS RETIRING PRESIDENT DR. ARLIN HORTON
HON. CATHY MCMORRIS RODGERS
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize the exemplary career of a great leader, scholar and Pensacola Christian College’s Founder and President, Dr. Arlin Horton. After 38 years of exceptional
leadership at Pensacola Christian College and nearly 60 years at Pensacola C Academy, we celebrate Dr. Horton’s retirement and reflect back on a career of distinguished accomplishments.

As the Founder of my alma mater, Pensacola Christian College, Dr. Horton created one of the finest institutions of higher learning in America. Throughout his career, Dr. Horton has always worked with leadership, responsibility and faith. After he and his wife Beka graduated from college in 1951, they came to Pensacola to start this ministry. And their success was extraordinary.

In 1954, they opened the doors to Pensacola Christian School—which began with only 35 students—and since 1970, over 2,000 students have graduated from Pensacola Christian School. Over 93,000 Christian school principals and teachers attending clinics in Pensacola, the work President Horton and his wife began paved the way for generations of students, teachers and leaders.

Years later, Dr. Horton’s influence expanded from the Christian School to a broad network of Christian radio stations all across the country. He also began publishing unique curricula for Christian schools, which revolutionized Christian education in America. Today, over 10,000 Christian schools and daycares use these curricula.

Most notably thought, in 1974, Dr. Horton founded Pensacola Christian College, from which I was honored to receive my Bachelor’s Degree in 1990. Beginning with only 100 students in the fall of 1974, Pensacola Christian College now recognizes over 16,600 alumni all over the world. To say that his influence was incalculable is an understatement.

So today I join Dr. Arlin and Beka Horton in celebrating a long life of dedication to education, devotion to Christ, and commitment to making a difference in the lives of others. While Dr. Horton’s retirement is sad for the PCC community, we will all—PCC students and alumni—continue to carry his legacy with us forever. He taught us: “To God be the Glory!”—and this we will most certainly remember.

Capping off a 26–4 season, the title recently secured by the Dillard team is truly special. This third consecutive state title is a record for Dillard High, and makes their winning streak the second longest in Broward history and one title away from tying the County record of four consecutive titles. Furthermore, with their seventh state championship overall, the Lady Panthers hold the record for the most titles held by any girls' basketball program in Broward County, and makes them the second most winningest team in the State. Furthermore, they are just one championship behind the current record holders Jaguars Ribault.

It should also be noted that all seven championships have come under the leadership of Coach Marcia Pinder, whose 804–175 record makes her the all-time winningest basketball coach overall in Florida’s history. Following this recent championship, Coach Pinder was named the 2012 Russell Athletic/Women’s Basketball Coaches Association (WBCA) National High School Coach of the Year. She will be honored at the 2012 WBCA High School All-American Game that is played in conjunction with the NCAA Women’s Final Four in Denver, Colorado on March 31, 2012.

I would like to take this time to honor each player and coach, who along with Coach Pinder, made this record-setting win possible. The Championship Lady Panthers are: LaQuacious Adams, Alliyah Anderson, Shatoria Baker, Demetria Brown, Jo’ Corethah Clayton, Brianna Green, Amber Hanna, Dominique Harris, Kareese Johnson, Jessica Jones, Macy Keen, Courtney Parson, Tiara Walker, and Kayla Wright. The Lady Panthers and Coach Pinder and their championship season were also supported by assistant coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enuwetok Ramsey, and Chanelle Washington. I congratulate the Lady Panthers, Coach Pinder, and all of their coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enuwetok Ramsey, and Chanelle Washington. I congratulate the Lady Panthers, Coach Pinder, and all of their coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enuwetok Ramsey, and Chanelle Washington.

Mr. Speaker, by founding the Pittston Township Little League, Fred DeSanto created and worked to improve a place of fun, health, and camaraderie for the youth in Pennsylvania’s 11th District. Mr. DeSanto is to be commended for his 37 years of service to our community.

The Championship Lady Panthers are: LaQuacious Adams, Alliyah Anderson, Shatoria Baker, Demetria Brown, Jo’ Corethah Clayton, Brianna Green, Amber Hanna, Dominique Harris, Kareese Johnson, Jessica Jones, Macy Keen, Courtney Parson, Tiara Walker, and Kayla Wright. The Lady Panthers and Coach Pinder and their championship season were also supported by assistant coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enuwetok Ramsey, and Chanelle Washington. I congratulate the Lady Panthers, Coach Pinder, and all of their coaches: George Adams, Brandon Adams, Tonia Adams, Tania Miller, Evelyn Powers, Enuwetok Ramsey, and Chanelle Washington.
HON. JO BONNER OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER, Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Chief Petty Officer Fernando Jorge, age 39, of Buena Park, California and to honor his service to our country.

CPO Jorge was one of four U.S. Coast Guard crewmen who died on board a MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

CPO Jorge, a 20-year Coast Guard veteran and rescue swimmer, was stationed at the Aviation Training Center in Mobile, Alabama at the time of the accident.

A devoted professional who dedicated his life to saving others, CPO Jorge was accustomed to the challenges of the sea. According to the Mobile Press-Register, CPO Jorge was featured on the History Channel’s “Extreme Search and Rescue” program in 2004.

CPO Jorge and his fellow crewmen of CG-6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our Nation’s coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of CPO Jorge as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn, Eternal Father, Lord of hosts, Watch o’er the men who guard our coasts. Protect them from the raging seas And give them light and life and peace. Grant them from Thy great throne above The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful Nation, I offer condolences to CPO Jorge’s family and many friends. You are each in our thoughts and prayers.

HON. CHARLES A. GONZALEZ OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. GONZALEZ, Mr. Speaker, I rise today because I’ve never been prouder to call southern Indiana home.

Late Friday afternoon in our part of America, a disaster brought neighbors together, turned strangers into friends, and reminded us all of what it means to be part of a community.

Over the course of several hours, fierce winds, softball-sized hail, and deadly tornadoes descended upon southern Indiana communities, leaving behind a 50-mile path of destruction from New Pekin to Chelsea and beyond.

Our people are still assessing the costs, but we know this much: at least 13 Hoosiers have died; scores have lost their homes and businesses; and citizens across the region have suffered untold damage to their personal and public property.

As hard as it is to imagine, the tragedy might have been worse were it not for the bravery, and resilience, of rank-and-file Hoosiers.

Our firemen, policemen, EMTs, and local officials deserve our thanks. Those who serve in Indiana’s National Guard, our State Police, and our Department of Homeland Security stepped up, too. From the initial response through the ongoing efforts today, their service has been exemplary.

But it has been concerned citizens—who have restored the lives of her two children by covering them with her body as a tornado crushed their home on top of them. We are pulling for you and your family, Stephanie. And were parents or even strangers across southern Indiana who, as danger approached, took a moment to extend a hand to others, and said, “Come inside, we’ll make room.”

After the storms left their mark, Hoosiers immediately turned to accounting for loved ones and comforting neighbors.

The damage was, and is, severe. One tornado—by some accounts a half-mile wide—carved a clear path through southern Indiana, ripping trees out of the earth, hurling automobiles and combines long distances, severing power lines, and decimating countless homes and businesses.

Here again, Hoosiers did not sit around and wait for others to help us out. We got to work. The weekend, I spent time surveying the damage and meeting with those who lost the most. Everywhere I visited, I met citizens wearing boots and work gloves who were busily beginning to sort through piles of rubble. I met others who had fired up their chainsaws and were clearing debris from roadways. I saw clusters of cars and pick-up trucks parked outside homes that were hit hardest.

In the aftermath of such a tragedy, one would be forgiven for asking, “Why me?” But I never heard it. Instead, time and again I heard Hoosiers sympathize with those who lost more than they. And more than one person told me that, in the end, stuff isn’t all that important—it’s people that are important. And I heard sincere, caring people ask their neighbors, “How can I help?”

At one stop, I met a young couple from Jeffersonville—only 15 miles away—who offered me a drink of water. Their city didn’t suffer much damage, so they loaded up their cars with bottled water and granola bars, looking for others who needed a hand.

In Henryville, a pizza shop was mostly destroyed, except for the freezer. The couple who owned it, rather than worrying about the loss of their business, asked officials how they could donate food from the freezer to those who needed it most.

In Marysville, the local Christian Church remains intact, but little else. Pastor Bob Priest told me their decades-old building is no longer structurally sound, but the congregation has never been stronger. As congregants were busy making repairs, I noticed the stained glass window above the church doorway was undamaged. It reads, “In Memory of the Willing Workers.”

The local Red Cross chapter opened an overnight shelter, but in the first weekend no one checked in: Instead, friends shared their homes; churches opened their doors . . . even everyone, it seems, could count on someone. For those of us who have seen the scale and scope of destruction up close, we know the path back will not be easy. But we will fix it all that Mother Nature broke.

Government at all levels will, and must, be there to help—from local authorities, to the
November 14, 2012

Mr. Speaker, it is with a heavy heart that I rise today with my colleagues, Mr. NUNES and Mr. ENHAM, to honor the life of Sergeant Everett who I rise today with my colleagues, Mr. NUNES and Mr. ENHAM, to honor the life of Sergeant Everett whom I come to honor today.

This thought especially struck home with me when the lights failed. People were falling, glasses and plates were broken, and crash, the ship began to list severely. We made note that our stateroom was on Deck #2 forward, our dining room was on Deck #3 aft, and lifeboat access was on Deck #4. Deck #3 was the closest boat, but after much hammering noise, the boat swung away from the Concordia. We were showered with white paint chips as if this boat had not been released since the gear had been painted over. After being lowered, the crew had difficulty disconnecting the boat from the davits. Once disconnected, it was clear that the crew did not know how to pilot the lifeboat effectively. It kept colliding with other boats and, eventually, it capsized.

The courts will determine who or what or- dered the crew to return to their cabins. The manning and deployment of the lifeboats was delayed though the ship was in imminent danger.

The crew was unable to instruct passengers during an emergency. The captain was not available to manage the evacuation. No one aboard to coordinate the evacuation. The crew was also not able to provide true guidance to the passengers. The only help we received was from the passengers themselves.

Mr. Speaker, I rise today to enter sworn testimony into the record from Brian Aho, whose family was among the thousands who experienced the panic and confusion during the evacuation of the Costa Concordia cruise ship on January 13, 2012. Mr. Aho and his family have taken multiple cruise vacations and are familiar with the Concordia cruise liner operated by Costa Crociere and its parent company, Carnival Corporation.

We have recognized significant problems with the Concordia. It is the first instance of a major cruise ship sinking in the Mediterranean Sea since the Concordia. The lack of guidance from the ship’s crew and in the absence of account- ability demonstrated by the ship’s captain. This testimony will hopefully lead to new rules and safety guidelines that can help prevent future catastrophes.

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My family formed a three-link chain and instructed by crew to return to their cabins. The passengers were instructed to return to their cabins.

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Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Chesapeake Bay Program Reauthorization and Improvement Act with my colleague TIM HOLDEN from Pennsylvania.

The Chesapeake Bay, the largest estuary in the U.S., is an incredibly complex ecosystem that includes important habitats and is a cherished part of our American heritage. The Bay Watershed includes all types of land uses, from intensely urban areas, spread out suburban development and diverse agricultural practices.

I have worked hard during past negotiations on the Farm Bill to ensure that critical resources are in place to help restore the Bay. While the goal from all involved is the same, restoring the health and vitality of the Bay, the path to that health and vitality is being strongly debated. It is a clear choice, overregulation and intrusion into the lives and livelihoods of those who call the Bay Watershed their home, or commonsense incentive-based efforts that help restore and protect our natural resources.

Unfortunately, proposals like the Presidential Executive Order and the Environmental Protection Agency’s “Total Maximum Daily Load” forces more mandates and overzealous regulations on all of those who live, work, and farm in the Chesapeake Bay Watershed. The EPA’s TMDL is a power grab that sets strict limits on the amount of nutrients discharged into the Chesapeake Bay and each of its tributaries by different types of sources. These limits will dramatically restrict land uses for everyone who lives and works in the Watershed. Although the Clean Water Act requires the EPA to establish a TMDL, the power is currently reserved to the states to determine how to improve water quality, including determining nutrient reduction allocations among different types of point and non-point sources. In the proposed TMDL, the EPA has exceeded its authority in the Clean Water Act by setting specific nutrient reduction allocations by sector, a power currently reserved to the states.

Beyond the fact that the EPA lacks the authority in the Clean Water Act to take the majority of the actions that it is taking, I have serious concerns about this approach to Bay restoration. The TMDL ignored the bay’s unique topography by the Mobile Press-Register, Lt. Cmdr. Taylor received the Coast Guard Medal in 2003 for heroism while heading a rescue mission near Key West, Florida. According to the award citation quoted by the Mobile Press-Register, Lt. Cmdr. Taylor braved rough seas to rescue a victim. “Despite jeopardizing his own safety, Lieutenant Taylor grabbed the victim and with all his remaining strength swam to the basket and lifted the exhausted survivor to safety shortly before the survivor would have surely succumbed to the sea.”

Mr. Speaker, the people who call the Bay Watershed home are the ones who are the most concerned about protecting and restoring the Chesapeake Bay. Unfortunately, too often these hardworking individuals are cast as villains and placed in a position where restoring the Bay is pitted against the economic livelihoods of their communities. We can restore the Bay while also maintaining the economic livelihood of these communities. The Chesapeake Bay Program Reauthorization and Improvement Act is the way we can do both. I look forward to working with my colleagues in the Congress, so that we can pass this important legislation and work to restore the Chesapeake Bay.

Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Lt. Cmdr. Dale T. Taylor, age 36, and to honor his heroic and tireless service to our country.

Lt. Cmdr. Taylor was one of four U.S. Coast Guard crewmen aboard a MH–65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

Lt. Cmdr. Taylor, a rescue pilot and father of two young sons, was stationed at the Aviation Training Center in Mobile, Alabama. He and his family are active members of Cottage Hill Baptist Church, where he served as a deacon.

An accomplished pilot who was devoted to saving lives, Lt. Cmdr. Taylor received the Coast Guard Medal in 2003 for heroism while heading a rescue mission near Key West, Florida. According to the award citation quoted by the Mobile Press-Register, Lt. Cmdr. Taylor braved rough seas to rescue a victim. “Despite jeopardizing his own safety, Lieutenant Taylor grabbed the victim and with all his remaining strength swam to the basket and lifted the exhausted survivor to safety shortly before the survivor would have surely succumbed to the sea.”

Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Lt. Cmdr. Dale T. Taylor, a rescue pilot and father of two young sons, who was stationed at the Aviation Training Center in Mobile, Alabama. He and his family are active members of Cottage Hill Baptist Church, where he served as a deacon.

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Mr. Speaker, it is with great sorrow that I inform you of the passing of two heroes who lived their lives serving and protecting our communities. Deacon Dale Taylor and Lieutenant Taylor’s twin sons, Matthew and Andrew, were also lost in this tragic accident.

Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Lt. Cmdr. Dale T. Taylor, age 36, and to honor his heroic and tireless service to our country.

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TRIBUTE TO OAK KNOLL VILLA AND THE RETIREMENT HOUSING FOUNDATION

HON. CHARLES A. GONZALEZ
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Oak Knoll Villa Apartments in my district in San Antonio. Oak Knoll Villa is a member of the Retirement Housing Foundation, and they will join in celebrating the 50 years of service to the community on March 13, 2012.

The Retirement Housing Foundation is a non-profit organization of 159 communities in 24 states, Washington, DC, Puerto Rico and the U.S. Virgin Islands, providing housing and services to more than 17,000 older adults, low income families, and persons with disabilities.

Throughout the past 50 years the foundation has fostered an environment in which team members work to make life better for thousands of San Antonians. This pinnacle achievement speaks to both the past laurels and future service of Oak Knoll Villa. Oak Knoll Villa strives to provide all persons with quality, affordable housing so that San Antonio families do not have to sacrifice paying the rent for other basic necessities.

The noble mission of the Retirement Housing Foundation is as important today as it was 50 years ago. Its impact on our communities cannot be understated. I would again ask you to congratulate Oak Knoll Villa and the Retirement Housing Foundation on their 50 years of fostering and ensuring that low-income families and individuals.

HONORING REGIS HIGH SCHOOL REACH PROGRAM’S 10 YEAR ANNIVERSARY

HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mrs. MALONEY. Mr. Speaker, I rise today in honor of the 10 year anniversary of the Recruiting Excellence in Academics for Catholic High Schools, or the REACH program, an innovative program devised and operated by Regis High School in my district for low income middle school students to prepare them for acceptance into the elite private, Catholic and public high schools in New York City.

Regis High School was founded in 1914 as a 100 percent scholarship school and continues this fine tradition today. In that spirit Regis began the REACH program ten years ago to help low income middle school students to excel in their studies to allow them to not only attend the best high schools, but eventually the best colleges and universities in the country. Students from the REACH program have gone on to attend MIT, Boston College, Cornell, Williams and the University of Scranton.

The REACH program is a study in what can be achieved if students are given the proper tools to excel. Students attend a six week summer program, 20 Saturday sessions in both the spring and fall and engage in an independent research program in the winter. During each of these phases students are not only tutored to excel academically but are also provided with leadership training, a student mentor from Regis and eventually placement services into the best high schools in New York City.

Ninety-six percent of students who participate in the REACH program have gone on to a four year institution of higher learning, many of whom are the first in their family to attend college. The REACH program can be used as an example for all of us that by giving students the appropriate tools they will excel.

I want to congratulate Regis on their wonderful success and wish them even greater success in the next ten years.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08. Today, it is $15,499,023,629,682.44. We’ve added $4,872,146,580,769.36 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT, H.R. 2117

HON. BETTY McCOLLUM
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Ms. McCOLLUM. Mr. Speaker, I rise in support of the amendment to H.R. 2117 proposed by the gentleman from Colorado. This amendment would require the Secretary of Education to present this body with a plan to prevent waste, fraud, and abuse of Federal financial aid dollars. I was regretfully detained and unavailable to vote on the following amendment to H.R. 2117.

Rep. Polis (CO) Amendment #5: Would require the Secretary to present a plan to prevent waste, fraud and abuse to ensure effective use of taxpayer dollars. Had I been present to vote I would have voted “yes” on Amendment #5.

BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT ACT OF 2011

HON. EARL BLUMENAUER
OF OREGON

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 6, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, I strongly support the installation of small scale hydropower in water canals, pipelines and other Bureau of Reclamation facilities. A small investment could go a long way in helping farmers and rural communities produce homegrown energy to help power their farms and irrigation systems and even sell power to the grid. The Three Sisters Irrigation Project, which was initiated in Oregon is pursuing such a project, which could eventually create over 3 kilowatts of clean renewable power for the local community.

These innovative projects should move along as quickly as possible. Because they would be installed in existing facilities, extensive environmental review is not needed. However, I cannot support this bill because it includes an unnecessary waiver of the National Environmental Policy Act. Environmental review for these projects can be expedited through the existing process, which allows categorical exemptions by the appropriate federal agency. A blanket exemption to NEPA would set a bad precedent, and history has shown that short-circuiting environmental and public reviews typically delays rather than assists project development.

I supported an amendment by Rep. Napolitano that would have struck language in the bill that waives NEPA. Because this amendment did not pass, I must reluctantly vote no. However, I stand ready to work with my colleagues to promote development of small conduit hydropower without undermining environmental safeguards.

HONORING THE LIFE OF CONGRESSMAN DONALD PAYNE

HON. DORIS O. MATSUI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 6, 2012

Ms. MATSUI. Madam Speaker, I rise today to remember Congressman Donald Payne. Today, we lost a dear colleague and friend in the House of Representatives, and the American people lost a dedicated leader. I am honored to have served with Congressman Payne, and I am deeply saddened by his passing.

DONALD spent his life fighting for those less fortunate, and was a committed advocate for education, civil rights, and social justice—both at home and abroad. He was a humanitarian in the truest sense of the word, and his passion was both inspiring and contagious. As the first, and only, African-American from New Jersey elected to Congress, DONALD was a
Mr. ADERHOLT. Mr. Speaker, I am honored to recognize Gregory P. Schaffer for his distinguished service to the Government of the United States as the Assistant Secretary for Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security, from May 2009 until March 2012.

Mr. Schaffer is a national leader in the area of cybersecurity and communications. His unique perspective, dedication, and focus on identifying solutions to complex problems enabled the Department of Homeland Security and the Nation to take critical strides during his tenure.

Mr. Schaffer brought to DHS a blend of technical knowledge, private sector understanding, and Federal prosecution experience that enriched its cybersecurity and communications efforts.

Mr. Schaffer’s leadership was essential in leading DHS efforts related to proposals for a Nationwide Public Safety Broadband Network. With the passage of recent legislation, Mr. Schaffer’s concepts and structures have the potential to result in a paradigm shift in public safety communications.

During his tenure, DHS developed the National Cyber Incident Response Plan, NCIRP, the framework for incident response capabilities and coordination among Federal agencies, state and local governments, the private sector and international partners during significant cyber incidents. With the development of this plan, our Nation is postured to more effectively and comprehensively respond to the full range of cyber incidents.

As Chair of the Unified Coordination Group established by the NCIRP, Mr. Schaffer led the United States Government response to a number of critical cyber incidents impacting the public and private sectors as well as international partners.

Under Mr. Schaffer’s leadership and direction, DHS also opened the new National Cybersecurity and Communications Integration Center (NCCIC) and the National Cybersecurity and Communications Integration Center (NCCIC). Off the field, Mr. Schaffer also enhanced watch and warning and mitigation center that enhanced capabilities to address threats and incidents affecting the Nation’s critical information technology and cyber infrastructure.

This Center leverages the Einstein program, a set of perimeter defenses around the “.gov” domain designed to detect, alert, and prevent intrusions into and data loss from Federal agency networks. Because of Mr. Schaffer’s leadership, Einstein 2—which provides signature-based intrusion detection technology—is currently deployed and operational at 17 of 19 Federal agencies.

Mr. Schaffer also oversaw effective and diverse incident response activities across his cybersecurity and communications portfolio. In FY 2011 alone, the United States Computer Emergency Readiness Team responded to more than 100,000 incident reports and released more than 5,000 actionable cybersecurity alerts and information products. The National Coordinating Center for Telecommunications and the National Communications System also led, in accordance with the National Response Framework’s Emergency Support Function #2, communications response activities for the New England floods, Hurricane Irene, the 2011 Japanese Tsunami, the 2010 Haiti Earthquake, and other significant national and international disasters.

Furthermore, Mr. Schaffer led activities to expand information sharing with the private sector through the Cybersecurity Information Sharing and Collaboration Program. He also supported development of tools to help private sector companies assess and improve their own network security, such as the Cyber Security Evaluation Program, CSEP, and the Cyber Security Evaluation Tool, CSET.

We are grateful for his service during a consequential period at the Department, and I look forward to his continuing contributions to the security of our great Nation.

TRIBUTE TO LTJG THOMAS JOHN CAMERON, USCG

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard LTJG Thomas John Cameron, age 24, of Portland, Oregon and to honor his service to our country.

LTJG Cameron was one of four U.S. Coast Guard crewmen aboard an MH-65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

A 2009 graduate of the U.S. Coast Guard Academy, LTJG Cameron was stationed at the Coast Guard’s Aviation Training Center in Mobile, Alabama at the time of the accident.

According to the Mobile Press-Register, LTJG Cameron was only two days from completing flight certification at the time of the accident. After leaving Mobile, he was to have been assigned to USCG Station Borinquen at San Juan, Puerto Rico.

LTJG Cameron was known to his family, classmates and friends as a passionate athlete. He was an accomplished soccer player, serving as captain of his high school and college teams. His dedication to his sport also extended to helping others. His father, John Cameron, told the newspaper that his son’s goal since 10th grade was to be involved in “lifesaving.”

It is not surprising to learn that LTJG Cameron and his fellow crewmen of CG–6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation’s coastal communities. We can never thank them enough for their commitment to our country.

Mobile is a Coast Guard city and we suffer the loss of LTJG Cameron as one of our own. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn:

Eternal Father, Lord of hosts, Watch o’er the men who guard our coasts. Protect them from the raging seas And give them light and life and peace. Grant them from Thy hand to know The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to LTJG Cameron’s parents, John and Bette Cameron, as well as to his extended family and many friends. You are each in our thoughts and prayers.

RECOGNIZING THE ACCOMPLISHMENTS OF LOIS WAGONER

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. BURTON of Indiana. Mr. Speaker, today I rise to acknowledge Lois Wagoner, a loving mother, dedicated civil servant, and a truly great Hoosier. This week, Lois is being honored for her 50 years of service to the Military and Veterans Regional Office in Indianapolis.

Lois began her career as a clerk in 1961 at Fort Sill, Oklahoma and worked at various military installations prior to coming to the VA in 1971 as a program support clerk in the Finance Division of the Indianapolis Regional Office. In 1974, she was promoted to be a Veterans Benefits Counselor and supervised the regional office telephone unit. By 1990, she had become the Congressional Liaison and has worked tirelessly with every Congressional office in Indiana to ensure the welfare of our returning heroes.

During her 50 years of service, Lois has earned the reputation of being one of the most loyal, kind, and honest advocates of our Veterans living in Indiana. She also has the great distinction of being the mother of a Lieutenant Colonel with the U.S. Army in Afghanistan, so while she has been serving at the VA, she did so with the rare empathy of someone keenly aware of not only the sacrifices of our brave service members defending freedom abroad, but the daily concerns of their family members here at home.
The pride in service Lois has exhibited during her career is only eclipsed by her dedication to her family. Her other son lives close by and is a local meat cutter for Kroger. She has eight grandchildren and one granddaughter and one great granddaughter.

It is with great pride that I extend hearty congratulations to Lois for her tireless service. She will always have a special place in the hearts of all those who have had the opportunity to work with her over the years, most especially the countless veterans whose lives she has touched. Congratulations Lois.

CELEBRATING NATIONAL SCHOOL BREAKFAST WEEK

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Ms. MOORE. Mr. Speaker, I am pleased to rise to join my colleagues in celebrating National School Breakfast Week 2012.

I don’t have to tell anyone that 2011 was another year of difficult economic struggles for American households. Too many families are struggling to put food on the table. And when they do, kids suffer the most.

According to the U.S. Department of Agriculture, in 2010, 48.8 million Americans lived in households that had difficulty putting food on the table. That figure includes as many as 16 million children living in a home where food is not always available. Even worse, in over 380,000 households, one or more children did not get enough to eat—they had to cut the size of their meals, skip meals, or even go whole days without food at some time during the year.

When asked by the Gallup organization in a recent food hardship survey, “Have there been times in the last twelve months when you did not have enough money to buy food that you or your family needed?” more people answered “Yes” in the last six months of 2011 than in any period since the fourth quarter of 2008.

In broad swaths of the country, more than one in six households answered the Gallup question “Yes.” In fact, at least one in six said “Yes” in more than half of all Congressional districts (269 of 436 congressional districts.) In my district, according to the survey, the food hardship rate is 23 percent, almost one in four households. That is heartbreaking and even more so when you think that nearly 80 of my colleagues represent districts with even higher rates.

Thirty-seven million people—one in eight Americans—receive emergency food assistance each year through the Nation’s food banks, a 46 percent increase in clients served from 2006. As a result, public efforts to help meet this basic need are even more important. As the recession’s grip takes firm hold, for millions of vulnerable children around our Nation, federally-supported school breakfast programs continue to be a lifeline.

The School Breakfast program began in 1966 as a two-year pilot program. It has become a valuable program that makes a difference every day in the lives of millions of children. I can tell you, Mr. Speaker, that providing availability, accessibility, and participation in the school breakfast program are some of the best ways to support the health and educational potential of children, particularly low-income children.

Eating breakfast has been shown to improve children’s test scores. Breakfast helps children pay attention, perform problem-solving tasks, and improves memory. Children who eat school breakfast are likely to have fewer absences and incidents of tardiness than those who do not. By eating breakfast, students get more important nutrients, vitamins and minerals, such as calcium, dietary fiber, and protein. These are just a few of the known benefits.

The School Breakfast Program can readily be tailored to meet the needs of all different age groups, school schedules and physical environments. Schools use many creative service options in addition to traditional breakfast service in the cafeteria, such as Breakfast in the Classroom, Grab ‘n Go Carts and Mid-morning Nutrition Breaks.

This year’s National School Breakfast Week theme is “School Breakfast—Go for the Gold,” highlighting how eating a balanced breakfast at school can help students shine. In FY 2011 over 12 million children were able to get a nutritious school meal because of this program.

In my State of Wisconsin, school breakfast participation rates have increased from 135,000 in FY 2009 to 166,000 in FY 2011, the vast majority receiving free or reduced price nutritious breakfast to jump start their school day. However, participation in the breakfast comparison lags compared to the Nation as a whole, with approximately 32 million who participate in the National School Lunch Program.

Most school breakfast program students lived in impoverished families and received free or reduced price meals. For the 2009–2010 school year, to receive a free breakfast, the student needed to reside in a household earning $23,803 or less for a family of three (130 percent of the federal poverty level). For reduced price, the threshold was $33,874 (185 percent of the federal poverty level.)

Efforts to make this program work better continue and they should. Last month, the Administration released new child nutrition rules—as required by Congress in the Healthy, Hunger Free Kids Act of 2010—that seek to make the same kind of changes many parents are already trying to teach their children at home. The new rule updates school meal standards to increase fruits, vegetables, whole grain, and low-fat dairy while reducing fats, sodium and sugars. This is a long overdue step that will get healthier foods on school plates each day.

USDA built the new rule around recommendations from an Institute of Medicine expert panel, updated with key changes from the 2010 Dietary Guidelines. Getting the science right is critical to better nutrition and health for our children.

Additionally, the President’s FY 2013 budget request includes $35 million for school meal equipment grants to help school districts purchase the equipment needed to serve healthier meals, and improved food safety. These equipment grants would support the establishment or expansion of the School Breakfast Program. Lack of adequate kitchen equipment has been the reason why schools are not able to initiate or expand their breakfast programs. Congress needs to support such initiatives.

In the spirit of National Breakfast Week, I would encourage my colleagues—and in fact, all Americans—to participate in activities like the Share Your Breakfast campaign to combat child hunger. The Share Your Breakfast campaign—which brings together Action for Healthy Kids, the Kellogg Company, and other partners—is focused on ensuring more kids have access to breakfast by increasing participation in school breakfast programs. This campaign is only in its second year, but has already offered assistance to nearly 100 schools in 26 states.

This year’s goal is to provide one million breakfasts to American school children who might otherwise go without. Programs like Share Your Breakfast are to be commended and help highlight the vital role that a nutritious breakfast plays in promoting educational success.

Mr. Speaker, a growing number of Americans are going hungry and federal safety-net nutrition programs, like the School Breakfast Program, are playing a crucial role in helping hardworking families, including their children, stay nourished.

Let me conclude, Mr. Speaker, by saying that though our country is in the midst of a tough economic time, I hope there remains bipartisan support for this simple statement: no child in our community or across the country should ever go through the school day hungry.

The School Breakfast Program is critical to making that a reality.

I am pleased to join my colleagues in highlighting the value and success of this program and those who work every day to make sure that our future leaders, our future engineers, and scientists, and politicians or whatever else boys and girls across our Nation want to be, won’t be stopped because of a growing stomach and nagging hunger.

PROCLAIMING THE HOUSE OF REPRESENTATIVES’ RECOGNITION OF THE 100TH ANNIVERSARY OF PATRICIA NIXON’S BIRTH IN ELY, NEVADA ON MARCH 16, 2012

HON. MARK E. AMODEI
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. AMODEI. Mr. Speaker, I rise today to recognize the 100th anniversary of the birth of Thelma Catherine “Pat” Ryan Nixon in Ely, Nevada.

Pat was born the youngest of four children on March 16th, 1912, in the small mining town of Ely, Nevada to William M. Ryan, Sr., a sailo, gold miner, and truck farmer of Irish descent and Katherine Halberstadt, a German immigrant. Thelma Catherine Ryan was nicknamed “Pat” because of her Irish heritage. In fact, the family always celebrated her birthday on the Irish holiday of St. Patrick’s Day, March 17th.

Pat and her family moved to a small town near Los Angeles when she was just a year old. She grew up with typical Western self-sufficiency. It has often been said that the mining community in Ely and her family’s own straightened circumstances helped mold her into a strong person and later politician.

Upon enrolling in college in 1931, she unofficially dropped her given name Thelma, replacing it with Pat and occasionally rendering
it as Patricia. On June 21, 1940, Pat married Richard Milhouse Nixon at Mission Inn, Riverside, California. The two met while they were performing in a theater production of “The Dark Tower.” During World War II, she worked as a government economist while Richard served in the Navy. She campaigned tirelessly alongside her husband as he ran for Congress, the Senate, and, later, the Vice Presidency.

On January 20th, 1969, Richard Milhouse Nixon was sworn in as the 37th President of the United States. Pat became First Lady, the first, and so far only, woman from Nevada to serve in that role.

While in the White House, Pat publicly advocated for women to become more involved in the political process. She also used her position as First Lady to encourage volunteer service, opened the White House to more visitors, and added 600 paintings and antiques to the White House collection. She also traveled extensively, earning the unique diplomatic standing of “Personal Representative of the President.”

Patricia Nixon passed away on June 22, 1993, and is buried at the Richard Nixon Birthplace and Museum in Yorba Linda, California.

March 16, 2012, marks the 100th anniversary of Patricia Nixon’s birth in Ely, Nevada. I ask my colleagues to join me in celebrating and recognizing the varied, significant contributions that Pat Nixon made throughout her life, particularly as the First Lady of the United States.

IN RECOGNITION OF LANCE CORPORAL MARK FIDLER AND FAMILY

HON. TIM HOLDEN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. HOLDEN. Mr. Speaker, I rise today to honor a real American hero, United States Marine Mark Fidler, who hails from my congressional district in Berks County, Pennsylvania. On October 3, 2011, while on foot patrol in Afghanistan, an IED exploded next to Lance Corporal Fidler, nearly killing him. He lost both legs above the knee and suffered extensive internal injuries. He survived, largely due to his brothers in arms and a British air unit that got him to the Bastion mash unit in record time. His parents, Stacy and Kermit Fidler, have put their lives on hold to be by his side night and day. Families are the quiet heroes who make such a huge difference in the recoveries of our soldiers. I ask that this poem, written by Albert Caswell in honor of those loving parents, be placed in the Congressional Record.

WRITTEN ON YOUR SOUL

All that we so have... All that we so hold... All that we so are... Of which so means the most... Is but so written, all on our souls... Is as yours Mark, something special to be hold! But, as is written so much far more precious than mere gold... As is so etched upon your heart be told... As lies something far much more greater than you could ever know... Setting you apart from all the rest, all in what your fine heart so holds...

‘Oh, but To Be One of America’s Finest... but, Her Very Best!
A Uh... Raaaa Jar Head... As a United States Marine, no less...
As is so written on your soul, as was etched...
To go off to war, to our nation’s freedom’s to insure...

And that no face death no less! How can one ask for more?
As our nation Mark, you and your family have so blessed!

Thant, to lose half of you... your best...
And yest you know you would so cheat death...

No, you are not half the man you used to be, for you sum has grown far much greater...

As when courage comes to crest, to so teach us all the more!

To so reach deep down inside your heart of Heaven so awaits all of those who give their very best!
Who so freely are so ready to give up their fine lives, all in freedom’s quest!
Who all upon their souls such magnificence is so etched!

As your great faith and courage and strength, is but something to behold!
As now so etched!
For Heaven so awaits all of those who give their very best!
Who so freely are so ready to give up their fine lives, all in freedom’s quest!
Who all upon their souls such magnificence is so etched!

So etched with such Strength In Honor, and Faith so no less...

All in your shades of green, Mark you are one hell of a United States Marine!
Who our nation has so blessed!
Yes, arms and legs we all need... But we can get by...
But, without a heart and soul like yours Mark, we will surely die...
And Mark its up In Heaven, where you need not even eyes...

And that’s where your going one day Mark, when you rise!
With but tears in your eyes...

In the coming years, it all seems so very clear...

That, you have so much more to etch... All with you fine heart as left!
Moments, are all that we so have!
Minutes, only to hearts so grab!
To this our world to so bless!
As all written upon our souls as etched:
What, have we so written... As we grow old?
What, have we done that which is so worthy to behold!
What, have we so given... That which is far much more precious than mere gold?
That now so lies, all etched upon our souls!
As have you Mark, so bestowed!

UH... RRRRAH, Jar Head...

All in what your fine life has said, and so continues to so grow!
All so written, so on your soul!

TRIBUTE TO PETTY OFFICER 3RD CLASS ANDREW KNIGHT, USCG

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to U.S. Coast Guard Petty Officer 3rd Class Andrew Knight, age 26, of Thomasville, Alabama and to honor his devoted service to our country.

Petty Officer Knight, known by his family and friends as “Drew”, was one of four U.S. Coast Guard crewmen aboard a MH–65C Dolphin helicopter when it crashed into Mobile Bay on February 28, 2012, during an evening training mission. The accident claimed the lives of each of the crew.

A native of Southwest Alabama, Petty Officer Knight was stationed at the Aviation Training Center in Mobile, Alabama where he served as a flight mechanic.

Petty Officer Knight and his fellow crewmen of CG–6535 each shared a love of service and a dedication to saving lives. The Coast Guard is a vital protector for our nation’s coastal communities. We can never thank them enough for their commitment to our country.

I recently visited with Drew’s parents to personally extend my deep sympathy for their tremendous loss. As I conveyed to them, growing up in Camden, which is not far from Thomaston, I know the Drew Knights of the world.
are the ones that stand out in any setting—church, school, community, and country.

South Alabama suffers the loss of Petty Officer Drew Knight, a native son who loved his country and helping others. We grieve with his family and we stand with them and the entire United States Coast Guard family.

To quote the words of the Coast Guard hymn, Eternal Father, Lord of hosts, Watch o’er the men who guard our coasts. Protect them from the raging seas And give them light and life and peace. Grant them from Thy great throne above The shield and shelter of Thy love.

On behalf of the people of Alabama and a grateful nation, I offer condolences to Petty Officer Knight’s mother and father, Ken and Becky Knight, his brother, Todd, as well as his extended family and many friends. You are each in our thoughts and prayers.

50TH ANNIVERSARY OF MICA CORPORATION

HON. KAY GRANGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Ms. GRANGER. Mr. Speaker, I rise today to acknowledge and honor the 50th anniversary of MICA Corporation—a family-owned company based in Fort Worth, Texas. Back in 1962, two ambitious men named Mickey Stewart and Cayce Tubb had a vision for their future and a plan for success. Together, they established the MICA Corporation to perform highway guard-rail contract work. Over the years, MICA Corporation has remained on the cutting edge of Texas highway construction and become a well-known and highly respected state-wide company. L.C. Tubb, son of co-founder Cayce Tubb and the current owner of MICA Corporation, has flown all of his employees to Washington, DC to celebrate the 50th anniversary of this great company.

I am very proud of what this company has accomplished over the years and pleased that it calls Fort Worth home. Today, I want to welcome L.C. and the many dedicated employees of MICA Corporation to Washington, DC, and want to congratulate everyone at MICA Corporation on achieving this milestone, and wish them many, many more years of success.

ESSAY BY LESLIE LOPEZ
HON. PETE OLSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Leslie Lopez is a junior at Pasadena Memorial High School in Harris County, Texas. Her essay topic is: Select an important event that has occurred in the past 50 years and explain how that event has changed our country. Leslie chose September 11th, 2001.

September eleventh is a day that will be remembered by citizens in our nation. The long-lived memorable event marked not only the lives of the people, but our entire country as a whole. The attacks of that day affected our nation’s economy, took our peace of mind, and caused us to enforce anti-terrorism policies that till this day have not changed.

The attacks had a significant economic impact on the United States and world markets. The stock exchange remained closed for several days in the aftermath; the Dow Jones Industrial Average fell significantly; in only three months after the occurrence, nearly 430,000 jobs were lost as well as millions of dollars in wages. The small businesses in Lower Manhattan were affected as well. A staggering 18,000 of those were destroyed or replaced, resulting in a loss of jobs and wages. The events of September eleventh most definitely left its mark on the nation’s economy.

The tragedy also affected the country’s peace of mind. People felt as if not even homes or schools were then longer safe. Recalling back to that date, I was only a child and could not understand why every parent and teenager didn’t panic at what was happening in New York. What seemed like weeks after went by and the occurrence was still fresh on everyone’s minds. Till this day, citizens have not completely reinstated that peace of mind they once had, and it will continue to be this way for years to come.

With the 9–11 attacks came new anti-terrorism policies which did not exist prior to the date. The Department of Homeland Security, for example, was created a couple of years after the occurrence to protect the states against terrorism activity. The attacks also indirectly caused the War in Afghanistan as an effort to dismantle the al-Qaeda terrorist organization, which was also set into motion only a month after the attacks on the World Trade Center.

The changes that the 9–11 attacks caused brought drastic changes to the United States and the world, the economy, our peace of mind, and the anti-terrorism policies that were adopted were only a small portion of all that the attacks affected.

IN CELEBRATION OF REVEREND DR. WENDELL ANTHONY’S 25TH PASTORAL ANNIVERSARY

ESSAY BY ALLISON MOCK
HON. GARY C. PETERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. Peters. Mr. Speaker, I rise and I ask my colleagues to join me today to salute Reverend Dr. Wendell Anthony on the occasion of his 25th Anniversary as Pastor of Fellowship Chapel in Detroit, Michigan.

In 1987, Reverend Dr. Wendell Anthony was installed as senior pastor at Fellowship Chapel. From that platform, he has been an unwavering voice for those without, guiding thousands in faith. He has educated and empowered the community by civil rights, economics, and politics toward the pursuit of justice and righteousness. Through his work, he has had an impact on the lives of hundreds of thousands of people throughout the city of Detroit, and, indeed, across our Nation and this globe.

In 1993, when he became President of the Detroit Branch of the NAACP, Reverend Anthony ushered in a new era of activism and strength for the largest branch of the NAACP in the county. That year, he led a quarter-million people through the streets of Detroit to commemorate the 30-year anniversary of the historic 1963 Detroit March by Dr. Martin Luther King, Jr. that took place before King’s iconic March on Washington. Reverend Anthony has worked tirelessly to build connections between his congregants and the international community, particularly Africa. In addition to establishing a medical clinic in Ghana, Reverend Anthony organized a relief effort raising nearly $1 million for food, medicine, clothing and transportation to aid hundreds of thousands of refugees in both Rwanda and Zaire in 1994. In 2000, he organized a similar relief effort for flood victims in Mozambique, Zimbabwe and South Africa.

Reverend Anthony’s work at home has been equally impressive and passionate, working on wide ranging issues of social and economic justice like insurance rates in Detroit, minority business contracting, and fairness in banking. As the former co-chair of the Fair Banking Alliance, Reverend Anthony helped to negotiate over $7.2 billion in new lending from local banking institutions for the purpose of economic development in our region.

As founder of the Fannie Lou Hamer Political Action Committee, Reverend Anthony created an institution that provides a strong, organized and progressive voice in the political process, holding public officials accountable to work in the best interests of the African American community. As chairman and founder of the Freedom Institute for Economic, Social Justice and Empowerment, Reverend Anthony hosts the largest sit-down dinner in the world each year for leaders, activists and lay people from across the spectrum of society from education, the law, to politics, to labor and beyond.

My colleagues, I could speak for a very long time about the good Reverend’s work over the last quarter century with each accolade more impressive that the last, but I shall conclude my remarks by wishing my friend, Reverend Anthony, well and Godspeed for the next quarter century, and beyond, of work in service to Christ and the community of mankind.

ESSAY BY ALLISON MOCK
HON. PETE OLSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written short essays on a variety of topics and I am pleased to share these with my House colleagues.
HONORING NAZARETH COLLEGE 
ON ITS DESIGNATION AS MILITARY FRIENDLY

HON. TOM REED 
OF NEW YORK 
IN THE HOUSE OF REPRESENTATIVES 
Wednesday, March 7, 2012

Mr. REED. Mr. Speaker, I rise today to recognize Nazareth College, which I am proud to represent as part of the 29th District of the great state of New York. Nazareth College was recently recognized by the Military Advanced Education Journal as military friendly, following a concerted effort to help veteran students transition to academia.

Beginning with the hiring of Jeremy Bagley as coordinator of veteran student enrollment, Nazareth College has worked to provide more services and offerings to its veteran students. By working with the Rochester Veterans Outreach Center, Nazareth College has provided access to creative arts therapy and therapists and developed a program to train faculty and staff to help respond to veterans' needs. When the Veterans Outreach Center was forced to lay off employees due to financial pressures, Nazareth College provided oversight of its on-site clinical staff to help offset the impact of cuts to vital programs. Nazareth College continues to offer internships pairing veterans with veteran mentors as part of a broad strategy to help veteran students better handle the transition from military service to academia.

In recognition of this concerted effort by Nazareth College and in light of the rigorous criteria used by the Military Advanced Education Journal in awarding this distinction, I am pleased to recognize Nazareth College for their designation as military friendly.

ESSAY BY BAILEY ARLINGHAUS

HON. PETE OLSON 
OF TEXAS 
IN THE HOUSE OF REPRESENTATIVES 
Wednesday, March 7, 2012

Mr. OLSON. Mr. Speaker, I am privileged to interact with some of the brightest students in the 22nd Congressional District who serve on my Congressional Youth Advisory Council. I have gained much by listening to the high school students who are the future of this great Nation. They provide important insight into the concerns of our younger constituents and hopefully get a better sense of the importance of being an active participant in the political process. Many of the students have written essays on a variety of topics and I am pleased to share these with my House colleagues.

Bailey Arlinghaus is a senior at Clements High School in Fort Bend County, Texas. Her essay topic is: In your opinion, what role should government play in our lives?

Government is crucial in our lives. Without government, we would all be barbarically fighting for the limited amount of resources we have available. Government helps our society function the way it is, but just like anything else, too much of a good thing can be bad. Therefore, government intervention should be limited on our lives. Too much government control can lead to dictatorships or the government playing a “Big Brother” kind of role. This “Big Brother” type of rule would be bad in the long run because the people would lose faith in the government, so the citizens would try to find any way they can to overthrow the government. Government’s role should be to help society but within its boundaries. Crossing these boundaries can lead to too much government intervention in our society. I think the boundary that the government should never cross would be the boundary of the government tracking your every move and everything you do. The government’s main role should be to lay down the expectations, make laws that people should follow, help society when needed, but don’t interfere in society so much that it makes the people dependent on the government to run effectively. The government’s role is important to how this society functions. Therefore, the government needs to let society work in a way so that it isn’t making the society completely dependent on them. Every individual should be able to speak their mind, without control, to promote new ideas that better society. That can only happen with a limited government role, to make society work on its own. The government should do nothing except give a little push to society every now and then to keep it running. With this, the government isn’t running our everyday lives but just helping us to be able to run it ourselves. We should all follow the government’s laws but, at the same time, be able to have a mind of our own. To conclude, the government shouldn’t play a huge role in our everyday lives, rather a limited one, so we can be more effective on our own and be able to think for ourselves.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 8, 2012 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED
MARCH 13
9:30 a.m.
Armed Services
To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.
SD-G50

10 a.m.
Energy and Natural Resources
To hold hearings to examine the report of the Independent Consultant’s Review with Respect to the Department of Energy Loan and Loan Guarantee Portfolio.
SD-366

Foreign Relations
To hold hearings to examine the nominations of Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations), and to be Coordinator for Reconstruction and Stabilization, and William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia, both of the Department of State, and Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development.
SD-419

10:30 a.m.
Judiciary
To hold hearings to examine the Freedom of Information Act, focusing on safeguarding critical infrastructure information and the public’s right to know.
SD-226

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, and Jacob Wallies, of Delaware, to be Ambassador to the Republic of Tunisia, all of the Department of State.
SD-419

Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine S. 810, to prohibit the conducting of invasive research on that project, S. 1249, to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users.
SD-406

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

3 p.m.
Appropriations
Military Construction and Veterans Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed military construction budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Navy.
SD-124

MARCH 14
9:30 a.m.
Appropriations
Department of the Interior, Environment, and Related Agencies Committee
To hold an oversight hearing to examine Federal onshore and offshore energy development programs in the Department of the Interior.
SD-124

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine risk management and commodities in the 2012 farm bill.
SH-216

Foreign Relations
To hold hearings to examine Sudan and South Sudan, focusing on independence and insecurity.
SD-419

Homeland Security and Governmental Affairs
To hold hearings to examine Congress, focusing on reform proposals for the 21st century.
SD-342

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the United States Agency for International Development.
SD-226

Veterans’ Affairs
To hold hearings to examine ending homelessness among veterans, focusing on Veterans’ Affairs progress on its five year plan.
SR-418

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Air Force.
SD-192

Appropriations
Departments of Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Labor.
SD-138

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.
SR-232A

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Adam E. Sieminski, of Pennsylvania, to be Administrator of the Energy Information Administration, Department of Energy, Marcilynn A. Burke, of North Carolina, to be an Assistant Secretary of the Interior, and Anthony T. Clark, of North Dakota, and John Robert Norris, of Iowa, both to be a Member of the Federal Energy Regulatory Commission.
SD-366

Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Protection Subcommittee
To hold hearings to examine issues in the prepaid card market.
SD-538

Foreign Relations
To hold hearings to examine the nominations of Pamela A. White, of Maine, to be Ambassador to the Republic of Haiti, Linda Thomas-Greenfield, of Louisiana, to be Director General of the Foreign Service, and Glina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, all of the Department of State.
SD-419

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine managing interagency nuclear emergency response efforts, focusing on if nuclear materials around the world are effectively secured.
SD-342

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine strategic forces programs of the National Nuclear Security Administration and the Department of Energy’s Office of Environmental Management in review of the Department of Energy budget request for fiscal year 2013; with the possibility of a closed session in SVC-217 following the open session.
SR-222

2:45 p.m.
Judiciary
To hold hearings to examine the nominations of William J. Kaya Jr., of Maine, to be United States Circuit Judge for the First Circuit, John
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Thomas Fowlkes, Jr., to be United States District Judge for the Western District of Tennessee, Kevin McNulty, and Michael A. Shipp, both to be a United States District Judge for the District of New Jersey, and Stephanie Marie Rose, to be United States District Judge for the Southern District of Iowa.

SD–226

MARCH 15

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SD–G50

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine Indian water rights, focusing on promoting the negotiation and implementation of water settlements in Indian country.

SD–628

2:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2013 for the Government Accountability Office, Government Printing Office, and the Congressional Budget Office.

SD–138

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
Housing, Transportation and Community Development Subcommittee
To hold joint hearings to examine strengthening the housing market and minimizing losses to taxpayers.

SD–538

MARCH 20

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SD–G50

MARCH 21

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine retooling government for the 21st century, focusing on the President’s reorganization plan and reducing duplication.

SD–942

Veterans’ Affairs
To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD–G50

2 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine Verizon and cable deals.

SD–226

MARCH 22

10 a.m.
Veterans’ Affairs
To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 303, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 1129, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, S. 1473, to amend Public Law 99–548 to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and to extend the authority to purchase certain parcels of public land, S. 1492, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Keds Mine Project Site, S. 1559, to establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, S. 1635, to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, S. 1697, to adjust the boundary of Carson National Forest, New Mexico, S. 1774, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 1788, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 1906, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 2001, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, S. 2056, to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, and S. 2066, to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah.

SD–366

MARCH 27

2:30 p.m.
Armed Services
Airland Subcommittee
To hold a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR–222

MARCH 28

9:30 a.m.
Armed Services
SeaPower River Subcommittee
To receive a closed briefing on the Ohio-class Replacement Program in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SVC–217

10 a.m.
Veterans’ Affairs
To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR–418

2 p.m.
Armed Services
Personnel Subcommittee
To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR–232A

MARCH 29

10 a.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine contractors, focusing on how much they are costing the government.

SD–342
HIGHLIGHTS
Final Résumé of Congressional Activity (including the History of Bills)
for the First Session of the 112th Congress.

Senate
Chamber Action
Routine Proceedings, pages S1433–S1494
Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 2166–2173, and S. Res. 390.

Measures Passed:

Nonmarket Economy Countries: Senate passed H.R. 4105, to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, pursuant to the order of March 5, 2012.

Pandemic and All-Hazards Preparedness Act Reauthorization: Senate passed S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Reid (for Harkin) Amendment No. 1823, to make certain technical corrections.

Honoring Donald M. Payne: Senate agreed to S. Res. 390, honoring the life and legacy of the Honorable Donald M. Payne.

Measures Considered:

Moving Ahead for Progress in the 21st Century—Agreement: Senate continued consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto:

Adopted:
Reid Amendment No. 1761, of a perfecting nature.

Withdrawn:
Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1763, to change the enactment date.

Reid Amendment No. 1762 (to Amendment No. 1761), to change the enactment date.

During consideration of this measure today, Senate also took the following action:
Reid Amendment No. 1764 (to (the instructions) Amendment No. 1763), of a perfecting nature, fell when the Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1763, was withdrawn.

Reid Amendment No. 1765 (to Amendment No. 1764), of a perfecting nature, fell when Reid Amendment No. 1764 (to (the instructions) Amendment No. 1763), fell.

A unanimous-consent agreement was reached providing that the bill, as amended, be considered original text for the purposes of further amendment; that the following amendments be the only first-degree amendments remaining in order to the bill: Vitter Amendment No. 1535; Baucus, or designee, relative to rural schools; Collins Amendment No. 1660; Coburn Amendment No. 1738; Nelson (FL)-Shelby-Landrieu Amendment No. 1822, with a modification in order if agreed to by Senators Nelson (FL), Shelby, Landrieu and Baucus; Wyden Amendment No. 1817; Hoeven Amendment No. 1537; Levin Amendment No. 1818; McConnell, or designee, side-by-side to Stabenow Amendment No. 1812; Stabenow Amendment No. 1812; DeMint Amendment No. 1589; Menendez-Burr Amendment No. 1782; DeMint Amendment No. 1756; Bingham Amendment No. 1759; Coats Amendment No. 1517; Brown (OH) Amendment No. 1819; Blunt Amendment No. 1540; Merkley Amendment No. 1653; Portman Amendment No. 1736; Klobuchar Amendment No. 1617; Corker Amendment No. 1785, with a modification; Shaheen Amendment No. 1678; Portman Amendment No. 1742; Corker
Amendment No. 1810; Carper Amendment No. 1670; Hutchison Amendment No. 1568; McCain Amendment No. 1669, modified with changes at the desk; Alexander Amendment No. 1779; Boxer Amendment No. 1816; and Paul Amendment No. 1556; that on Thursday, March 8, 2012, at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate vote on or in relation to the amendments, in the order listed; that the following amendments be subject to a 60 affirmative vote threshold: Vitter Amendment No. 1535; Baucus, or designee, relative to rural schools; Collins Amendment No. 1660; Coburn Amendment No. 1738; Nelson (FL)-Shelby-Landrieu Amendment No. 1822; Wyden Amendment No. 1817; Hoeven Amendment No. 1537; McConnell, or designee, side-by-side to Stabenow Amendment No. 1812; Stabenow Amendment No. 1812; DeMint Amendment No. 1589; Menendez-Burr Amendment No. 1782; that there be no other amendments in order to the bill or the amendments listed other than a managers’ package; and there be no points of order or motions in order to any of these amendments other than budget points of order and the applicable motions to waive; that it be in order for a managers’ package to be considered and, if approved by the managers and the two Leaders, the managers’ package be agreed to; provided further, the bill, as amended, then be read a third time and the Senate vote on passage of the bill, as amended; and if the bill is passed, it be held at the desk; and when the Senate receives the House companion to S. 1813, 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. 1813, as passed by the Senate, in lieu thereof; that the House bill, as amended, be read a third time, a statutory PAYGO statement be read, if needed, and the bill, as amended, be passed; 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.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, March 8, 2012, under the previous order.

Syria Democracy Transition Act—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Finance be discharged from further consideration of S. 2152, to promote United States policy objectives in Syria, including the departure from power of President Bashar Assad and his family, the effective transition to a democratic, free, and secure country, and the promotion of a prosperous future in Syria, and the bill be referred to the Committee on Foreign Relations.

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that on Wednesday, March 7, 2012, the Majority Leader be authorized to sign duly enrolled bills or joint resolutions.

Messages from the House:

Enrolled Bills Presented:

Executive Communications:

Petitions and Memorials:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authorities for Committees to Meet:

Privileges of the Floor:

Adjournment: Senate convened at 10 a.m. and adjourned at 10:28 p.m., until 9:30 a.m. on Thursday, March 8, 2012. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S1494.)

Committee Meetings

HEALTHY FOOD INITIATIVES, LOCAL PRODUCTION, AND NUTRITION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine healthy food initiatives, local production, and nutrition, after receiving testimony from Thomas Vilsack, Secretary of Agriculture; Dan Carmody, Eastern Market Corporation, Detroit, Michigan; Ronald G. McCormick, Wal-Mart Stores, Inc., Bentonville, Arkansas; Jody Hardin, Hardin Farms, Grady, Arkansas; Anne Goodman, Cleveland Foodbank, Cleveland, Ohio; and John Weidman, Food Trust, Philadelphia, Pennsylvania.

APPROPRIATIONS: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of Health and Human Services.
Service, after receiving testimony from Kathleen Sebelius, Secretary of Health and Human Services.

APPROPRIATIONS: DEPARTMENT OF THE NAVY

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy, after receiving testimony from Ray Mabus, Secretary of the Navy, Admiral Jonathan W. Greenert, USN, Chief of Naval Operations, and General James F. Amos, USMC, Commandant of the Marine Corps, all of the Department of Defense.

SITUATION IN SYRIA

Committee on Armed Services: Committee concluded open and closed hearings to examine the situation in Syria, after receiving testimony from Leon E. Panetta, Secretary, and General Martin E. Dempsey, USA, Chairman, Joint Chiefs of Staff, both of the Department of Defense.

SPACE PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine priorities, plans, and progress of the nation’s space program, after receiving testimony from Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration; and Neil deGrasse Tyson, American Museum of Natural History, New York, New York.

U.S. COAST GUARD AND NOAA BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the President’s proposed budget request for fiscal year 2013 for the Coast Guard and the National Oceanic and Atmospheric Administration, after receiving testimony from Admiral Robert J. Papp, Jr., Commandant, United States Coast Guard, Department of Homeland Security; and Jane Lubchenco, Under Secretary for Oceans and Atmosphere, and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

NATIONAL PARKS BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 29, to establish the Sacramento-San Joaquin Delta National Heritage Area, S. 1150, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1191, to direct the Secretary of the Interior to carry out a study regarding the suitability and feasibility of establishing the Naugatuck River Valley National Heritage Area in Connecticut, S. 1198, to reauthorize the Essex National Heritage Area, S. 1215, to provide for the exchange of land located in the Lowell National Historical Park, S. 1589, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, S. 1708, to establish the John H. Chafee Blackstone River Valley National Historical Park, H.R. 1141, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, S. 2131, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, and the Delaware and Lehigh National Heritage Corridor, and S. 2133, to reauthorize the America’s Agricultural Heritage Partnership in the State of Iowa, after receiving testimony from Senators Kerry and Reed; Stephanie Toothman, Associate Director, Cultural Resources, National Park Service, Department of the Interior; Michael J. Reagan, Solano County Board of Supervisors, Solano County, California; and Annie Harris, Essex National Heritage Commission, Salem, Massachusetts.

PRESIDENT’S TRADE AGENDA

Committee on Finance: Committee concluded a hearing to examine the President’s 2012 trade agenda, after receiving testimony from Ron Kirk, United States Trade Representative, Executive Office of the President.

LENDING DISCRIMINATION PRACTICES AND FORECLOSURE ABUSES

Committee on the Judiciary: Committee concluded a hearing to examine lending discrimination practices and foreclosure abuses, after receiving testimony from Senator Cardin; Thomas E. Perez, Assistant Attorney General, Civil Rights Division, Department of Justice; Eric Rodriguez, National Council of La Raza, and Hilary O. Shelton, National Association for the Advancement of Colored People (NAACP) Washington Bureau, both of Washington, D.C.; and William K. Black, University of Missouri-Kansas City, Kansas City.

VETERANS OF FOREIGN WARS LEGISLATIVE PRESENTATION

Committee on Veterans’ Affairs: Committee concluded a joint hearing with the House Committee on Veterans’ Affairs to examine the legislative presentation from Veterans of Foreign Wars, after receiving testimony from Richard L. DeNoyer, Veterans of Foreign
Wars of the United States, Middleton, Massachusetts.

REMOVING OBSTACLES FOR SMALL BUSINESS

Special Committee on Aging: Committee concluded a hearing to examine opportunities for savings, focusing on removing obstacles for small business, and if better agency coordination can help small employers address challenges to plan sponsorship, after receiving testimony from Phyllis C. Borzi, Assistant Secretary of Labor for the Employee Benefits Security Administration; Charles A. Jeszeck, Director, Education, Workforce, and Income Security, Government Accountability Office; Bryan Fiene, Robert W. Baird and Co. Incorporated, Madison, Wisconsin; and John J. Kalamidas, Prudential Retirement, Hartford, Connecticut.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 4150–4164; and 5 resolutions, H. Con. Res. 107; and H. Res. 574–577, were introduced. Pages H1272–73

Additional Cosponsors: Pages H1273–74

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. Page H1211

Recess: The House recessed at 11:09 a.m. and reconvened at 12 noon. Page H1218


Rejected the Garamendi motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 182 ayes to 237 noes, Roll No. 99. Pages H1232–34

Agreed to:

Napolitano amendment (No. 1 printed in the Congressional Record of March 5, 2012) that was defeated on March 6th that sought to strike the exemption for small conduit hydropower development from the National Environmental Policy Act of 1969 (by a recorded vote of 168 ayes to 253 noes, Roll No. 98). Page H1231

H. Res. 570, the rule providing for consideration of the bill, was agreed to yesterday, March 6th.

Reopening American Capital Markets to Emerging Growth Companies Act: The House began consideration of H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies. Further proceedings were postponed.

During the course of debate, exception was taken to certain words used and a request was made to have words taken down. The words were reported to the Committee of the Whole and the Chair subsequently announced that the Committee would rise. The Committee of the Whole rose and after review, the Chair ruled that the remarks constituted a personality directed toward an identifiable Member and announced that, without objection, said words would be stricken from the record. Subsequently, the Chair announced that the Committee of the Whole would resume its sitting.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–17 shall be considered as adopted in the House and in the Committee of the Whole, in lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read.

Agreed to:

Fincher manager's amendment (No. 1 printed in H. Rept. 112–409) that makes technical changes to the underlying bill; Page H1249

McIntyre amendment (No. 2 printed in H. Rept. 112–409) that adjusts the Emerging Growth Company definition for inflation, resulting in providing more flexibility for businesses; Pages H1249–50

Jackson Lee (TX) amendment (No. 4 printed in H. Rept. 112–409) that adds a requirement that a company not be considered an “emerging growth
company” if it has issued more than $1 billion in non-convertible debt over the prior three years; and

Pages H1251–52

McCarthy (CA) amendment (No. 10 printed in H. Rept. 112–409) that clarifies that general advertising under this provision should only apply to Regulation D rule 506 offerings, allow for general solicitation in the secondary sale of these securities so long as only qualified institutional buyers purchase the securities, and provide consistency in interpretation that general advertising should not cause these offerings to be considered public offerings.

Pages H1260–61

Rejected:

Jackson Lee (TX) amendment (No. 7 printed in H. Rept. 112–409) that sought to strike language that allows an emerging growth company or its underwriter to communicate with “institutions that are accredited investors”;

Himes amendment (No. 3 printed in H. Rept. 112–409) that sought to lower the gross annual revenue cap from $1,000,000,000 to $750,000,000 for emerging growth companies to remain eligible for the regulatory on-ramp and strike the public float requirement for the on-ramp (by a recorded vote of 164 ayes to 245 noes, Roll No. 103);

Pages H1257–59

Ellison amendment (No. 5 printed in H. Rept. 112–409) that sought to require Emerging Growth Companies to fully comply with say-on-pay and golden parachute shareholder votes (by a recorded vote of 169 ayes to 244 noes, Roll No. 104);

Pages H1250–51, H1261–62

Waters amendment (No. 6 printed in H. Rept. 112–409) that sought to provide that if a broker or dealer is underwriting an initial public offering (IPO) for an emerging growth company (EGC) and providing research to the public about such IPO, those research reports need to be filed with the SEC, and the broker or dealer shall be held to stricter liability for their comments. Would also have provided that if EGCs are communicating, either orally or in writing, with potential investors before or following an offering, they need to file those communications with the SEC (by a recorded vote of 161 ayes to 244 noes, Roll No. 104);

Pages H1255–57, H1263–64

Connolly (VA) amendment (No. 9 printed in H. Rept. 112–409) that sought to require the Securities and Exchange Commission to perform a study, in consultation with the Commodities Futures Trading Commission, of the effects on emerging growth companies of financial speculation on domestic oil and gasoline prices and to forward the results of that study to Congress (by a recorded vote of 185 ayes to 236 noes, Roll No. 106);

Withdrawn:

Jackson Lee (TX) amendment (No. 8 printed in H. Rept. 112–409) that was offered and subsequently withdrawn that would have established new filing fee for Reg S–K Forms to discourage frivolous filings.

Page H1259

H. Res. 572, the rule providing for consideration of the bill, was agreed to by a recorded vote of 252 ayes to 166 noes, Roll No. 102, after the previous question was ordered by a yea-and-nay vote of 244 yeas to 177 noes, Roll No. 101.

Pages H1222–31, H1234–36

Meeting Hour: Agreed that when the House adjourns today, it adjourns to meet at 10 a.m. tomorrow.

Page H1264

Senate Messages: Messages received from the Senate today appear on pages H1219 and H1231.

Senate Referral: S. 1886 was referred to the Committee on the Judiciary.

Page H1271


Adjournment: The House met at 10 a.m. and adjourned at 7:42 p.m.

Committee Meetings

MISCELLANEOUS MEASURE

Committee on Agriculture: Full Committee held a markup on budget views and estimates letter of the Committee on Agriculture for the agencies and programs under jurisdiction of the Committee for FY 2013. The letter was agreed to without amendment.

APPROPRIATIONS—FEDERAL BUREAU OF INVESTIGATIONS


APPROPRIATIONS—DEPARTMENT OF THE ARMY

Committee on Appropriations: Subcommittee on Defense held a hearing on FY 2013 Budget Request for the Army. Testimony was heard from John M. McHugh, Secretary of the Army; and General Raymond Odierno, Chief of the Army.
APPROPRIATIONS—FOOD AND DRUG ADMINISTRATION

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Agriculture. Testimony was heard from Harris Sherman, Under Secretary, Natural Resources and Environment, Department of Agriculture; Dave White, Chief, Natural Resources Conservation Service, Department of Agriculture; and Michael Young, Budget Officer, Department of Agriculture.

APPROPRIATIONS—FEDERAL EMERGENCY MANAGEMENT AGENCY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on FY 2013 Budget Request for Federal Emergency Management Agency. Testimony was heard from Craig Fugate, Administrator, Federal Emergency Management Agency; and public witnesses.

APPROPRIATIONS—NUCLEAR ENERGY AND NUCLEAR REGULATORY COMMISSION

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for Nuclear Energy and Nuclear Regulatory Commission. Testimony was heard from Peter Lyons, Associate Secretary for Nuclear Energy, Department of Energy; and Gregory Jaczko, Chairman, Nuclear Regulatory Commission.

APPROPRIATIONS—BUREAU OF OCEAN ENERGY MANAGEMENT

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget Request for the Bureau of Ocean Energy Management/Bureau of Safety and Environmental Enforcement Budget. Testimony was heard from Tommy Beaudreau, Director, Bureau of Ocean Energy Management; and Rear Admiral James Watson, Director, Bureau of Safety and Environment.

APPROPRIATIONS—INSTALLATION, ENVIRONMENT, AND BRAC

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Installation, Environment, and BRAC. Testimony was heard from Dorothy Robyn, Deputy Under Secretary of Defense, Installations and Environment; Katherine Hammack, Assistant Secretary of the Army, Installations and Environment; Jackalyne Pfannestiel, Secretary of the Navy, Installations and Environment; and Terry A. Yonkers, Assistant Secretary of the Air Force, Environment and Logistics.

APPROPRIATIONS—U.S. ARMY CORPS OF ENGINEERS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for the U.S. Army Corps of Engineers. Testimony was heard from Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works; and Major General Meredith “Bo” Temple, Chief of Engineers (Acting).

APPROPRIATIONS—DEPARTMENT OF THE TREASURY


U.S. CENTRAL COMMAND, U.S. SPECIAL OPERATIONS COMMAND AND U.S. TRANSPORTATION COMMAND


ASSESSING MOBILITY AIRLIFT CAPABILITIES

Committee on Armed Services: Subcommittee on Seapower and Projection Forces held a hearing on assessing mobility airlift capabilities and operational risks under the revised 2012 defense strategy. Testimony was heard from General Raymond E. Johns, USAF, Commander, Air Mobility Command; Lieutenant General Harry M. Wyatt, USAF, Director, Air National Guard; Major General Christopher Bogdan, USAF, Director, KC–46 Tanker Mobilization Directorate; Major General James O. Barclay, USA, Assistant Deputy Chief of Staff; and Cary Russell, Director (Acting), Defense Capabilities and Management, GAO.
CYBERSECURITY: THE PIVOTAL ROLE OF COMMUNICATIONS NETWORKS

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled “Cybersecurity: The Pivotal Role of Communications Networks”. Testimony was heard from public witnesses.

AMERICAN ENERGY INITIATIVE: RISING GASOLINE PRICES


SECURITIES INVESTOR PROTECTION CORPORATION

Committee on Financial Services: Subcommittee on Capitol Markets and Government Sponsored Enterprises held a hearing entitled “The Securities Investor Protection Corporation: Past, Present, and Future”. Testimony was heard from Senator Vitter; Joe Borg, Director, Alabama Securities Commission; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Full Committee held a markup of the following: H.R. 2106, the “Syria Freedom Support Act”; H.R. 890, the “Holocaust Insurance Accountability Act of 2011”; H.R. 1410 the “Vietnam Human Rights Act of 2011”; H.R. 3783, the “Countering Iran in the Western Hemisphere Act of 2012”; H.R. 4041, the “Export Promotion Reform Act”; and S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO). The following bills were ordered reported, as amended: H.R. 2106; H.R. 890; H.R. 1410; H.R. 3783; and H.R. 4041. The following was ordered reported without amendment: S. Con. Res. 17.

STATE DEPARTMENT’S REWARD PROGRAMS: PERFORMANCE AND POTENTIAL

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled “The State Department’s Reward Programs: Performance and Potential”. Testimony was heard from Robert A. Hartung, Assistant Director, Threat Investigations and Analysis Directorate; Bureau of Diplomatic Security, Department of State; M. Brooke Darby, Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; and Stephen J. Rapp, Ambassador-at-Large, Office of Global Criminal Justice.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Subcommittee on Transportation Security held a markup of H.R. 2179, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organization, Incorporated, and for other purposes. The bill was ordered reported, without amendment.

PRESCRIPTION DRUG EPIDEMIC IN AMERICA

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled “The Prescription Drug Epidemic in America”. Testimony was heard from Representatives Rahall; Rogers, KY; Bono Mack; and Lynch.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 3808, the “Scott Gardner Act”. Testimony was heard from Representatives Myrick, McIntyre, Gonzalez; and Charles Jenkins, Sheriff, Frederick County, Maryland; and Chris Burbank, Chief of Police, Salt Lake City Police Department.

COUNCIL ON ENVIRONMENTAL QUALITY FY 2013 FUNDING REQUEST

Committee on Natural Resources: Full Committee held a hearing entitled “The Council on Environmental Quality’s Fiscal Year 2013 Funding Request and the Effects on NEPA, National Ocean Policy and Other Federal Environmental Policy Initiatives”. Testimony was heard from Nancy Sutley, Chairwoman, Council on Environmental Policy.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FY 2013 BUDGET REQUEST

Committee on Science, Space, and Technology: Full Committee held a hearing entitled “An Overview of the National Aeronautics and Space Administration Budget for Fiscal Year 2013”. Testimony was heard from Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration.

MISCELLANEOUS MEASURES

Committee on Small Business: Full Committee held a markup of the following: Views and Estimates on the Small Business Administration’s FY 2013 budget request; H.R. 3850, the “Government Efficiency through Small Business Contracting Act of 2012”; H.R. 3851, the “Small Business Advocate Act of 2012”; H.R. 3893, the “Subcontracting Transparency and Reliability Act of 2012”; H.R. 3980,
the “Small Business Opportunity Act of 2012”; H.R. 4118, the “Small Business Procurement Improvement Act of 2012”; and H.R. 4121, the “Early Stage Small Business Contracting Act of 2012”. The Small Business Administration’s FY 2013 Budget was agreed to without amendment. The following bill was ordered reported, without amendment: H.R. 4118. The following bills were ordered reported, as amended: H.R. 3850; H.R. 3893; H.R. 3980; and H.R. 4121.

**PROTECTING MARITIME JOBS AND ENHANCING MARINE SAFETY**

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled “Protecting Maritime Jobs and Enhancing Marine Safety in the Post-Budget Control Act Fiscal Environment: A Review of the Administration’s Fiscal Year 2013 Coast Guard and Maritime Transportation Budget Request”. Testimony was heard from Admiral Robert J. Papp, Jr., Commandant, U.S. Coast Guard; Master Chief Michael P. Leavitt, U.S. Coast Guard; Richard A. Lidinsky, Jr., Chairman, Federal Maritime Commission; and David T. Matsuda, Administrator, Maritime Administration.

**CLOSELY-HELD BUSINESSES IN THE CONTEXT OF TAX REFORM**

Committee on Ways and Means: Full Committee held a hearing entitled “Closely-Held Businesses in the Context of Tax Reform”. Testimony was heard from public witnesses.

**Joint Meetings**

No joint committee meetings were held.

**COMMITTEE MEETINGS FOR THURSDAY, MARCH 8, 2012**

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on Appropriations: Subcommittee on Department of Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Homeland Security, 10 a.m., SD–192.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to examine proposed budget estimates for fiscal year 2013 for the Department of Justice, 10 a.m., SD–124.

Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine an overview of the Federal Housing Administration, 10 a.m., SD–138.

Committee on Armed Services: To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine addressing the housing crisis in Indian country, focusing on leveraging resources and coordinating efforts, 10 a.m., SD–538.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine the key to America’s global competitiveness, focusing on a quality education, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine the President’s proposed budget request for fiscal year 2013 for the Department of Homeland Security, 2:30 p.m., SD–342.

Committee on Indian Affairs: To hold hearings to examine the President’s proposed budget request for fiscal year 2013 for Native Programs, 2:15 p.m., SD–628.

Committee on the Judiciary: Business meeting to consider S. 1002, to prohibit theft of medical products, and the nominations of Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit, Jeffrey J. Helmick, to be United States District Judge for the Northern District of Ohio, Mary Geiger Lewis, to be United States District Judge for the District of South Carolina, Timothy S. Hillman, to be United States District Judge for the District of Massachusetts, and Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement, Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

**House**

Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development, hearing on FY 2013 Budget Request for Department of Transportation, 9:30 a.m., 2358–A Rayburn.

Subcommittee on Defense, hearing on FY 2013, Budget Request for Defense Health Program Budget, 10 a.m., 2359 Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 Budget Request, Food Safety and Inspection Service, 10:30 a.m., 2362–A Rayburn.

Subcommittee on Homeland Security, hearing on FY 2013 Budget Request for Immigration and Customs Enforcement, 1 p.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Tactical Air and Land Forces, hearing on Army and Marine Corps ground system modernization programs, 10 a.m., 2212 Rayburn.

Committee on Readiness, hearing on request for authorization of another BRAC round and additional reductions in overseas bases, 11:30 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on Fiscal Year 2013 National Defense Authorization Budget Request for national security space activities, 1 p.m., 2212 Rayburn.

Committee on the Budget: Full Committee, hearing entitled “Members’ Day”, 10 a.m., 210 Cannon.


Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.R. 2299, the “Child Interstate Abortion Notification Act”, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, hearing entitled “Effects of the President’s FY 2013 Budget and Legislative Proposals for the Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) on Private Sector Job Creation, Domestic Energy Production, Safety, and Deficit Reduction”, 9:30 a.m., 1334 Longworth.

Subcommittee on National Parks, Forest and Public Lands, hearing on H.R. 752, the “Molalla River Wild and Scenic Rivers Act”; H.R. 1415, the “Chetco River Protection Act of 2011”; H.R. 3377, the “Pine Forest Range Recreation Enhancement Act of 2011”; and H.R. 3436, to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, and for other purposes, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled “Food Stamp Fraud as a Business Model: USDA’s Struggle to Police Store Owners”, 9:30 a.m. 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, hearing entitled “NSF Major Research Equipment and Facilities Management: Ensuring Fiscal Responsibility Accountability”, 10 a.m., 2318 Rayburn.


Committee on Transportation and Infrastructure, Full Committee, markup on the following: H.R. 2903, the “FEMA Reauthorization Act of 2011”; H.R. 4097, the “John F. Kennedy Center Reauthorization Act of 2012”; H.R. 3182, to designate the United States courthouse located at 222 West 7th Avenue in Anchorage, Alaska, as the “James M. Fitzgerald United States Courthouse”; and H.R. 3556, to designate the new United States courthouse in Buffalo, New York, as the “Robert H. Jackson United States Courthouse”, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee of Economic Opportunity, hearing on the following: H.R. 3329, to amend title 38 United States Code to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs; H.R. 3483, the “Veterans Education Equity Act of 2011”; H.R. 3610, the “Streamlining Workforce Development Programs Act of 2011”; H.R. 3670, to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; H.R. 3524, the “Disabled Veterans Employment Protection Act”; H.R. 4048, the “Improving Contracting Opportunities for Veteran-Owned Small Businesses Act of 2012”; H.R. 4051, the “TAP Modernization Act of 2012”; H.R. 4052, the “Recognizing Excellence in Veterans Education Services for Improved Performance Act of 2012”; H.R. 4057, the “Improving Transparency of Education Opportunities for Veterans Act of 2012”; and H.R. 4072, the “Consolidating Veteran Employment Services for Improved Performance Act of 2012”, 10 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled “Honoring America’s Fallen Heroes: An Update on our National Cemeteries”, 1:30 p.m., 340 Cannon.

Committee on Ways and Means, Full Committee markup of H.R. 452, the “Medicare Decisions Accountability Act of 2011”, 9 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, markup of Committee Views and Estimates on the President’s Budget for Fiscal Year 2013, 9 a.m., HVC–304.

Full Committee, hearing on ongoing intelligence activities, 9:15 a.m., HVC–304.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 5, 2011 through January 3, 2012

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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<tbody>
<tr>
<td>Days in session</td>
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<tr>
<td>Time in session</td>
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<td>Private bills enacted into law</td>
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<td>Senate concurrent resolutions</td>
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<td>House concurrent resolutions</td>
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<td>Simple resolutions</td>
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<td>Special reports</td>
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<td>Measures pending on calendar</td>
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<td>Joint resolutions</td>
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<td>Simple resolutions</td>
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<td>Bills vetoed</td>
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<tr>
<td>Vetoes overridden</td>
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</tbody>
</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 102 written reports have been filed in the Senate, a total of 360 reports have been filed in the House.

**Totals include Roll Call 484 which was vacated by unanimous consent on June 23, 2011.

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 5, 2011 through January 3, 2012

<table>
<thead>
<tr>
<th>Nomination Type</th>
<th>Senate</th>
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<tr>
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<tr>
<td>Unconfirmed</td>
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<tr>
<td>Withdrawn</td>
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<tr>
<td>Returned to White House</td>
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<td>Other Civilian Nominations, totaling 3,469, disposed of as follows:</td>
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<tr>
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<tr>
<td>Unconfirmed</td>
<td>167</td>
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<tr>
<td>Withdrawn</td>
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<td></td>
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<td>Air Force Nominations, totaling 5,983, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>5,688</td>
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<tr>
<td>Unconfirmed</td>
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<td>Army Nominations, totaling 5,908, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>5,892</td>
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<tr>
<td>Unconfirmed</td>
<td>16</td>
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<td>Navy Nominations, totaling 3,405, disposed of as follows:</td>
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<tr>
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<td>Unconfirmed</td>
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<tr>
<td>Marine Corps Nominations, totaling 1,249, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>1,249</td>
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</tbody>
</table>

**Summary**

Total Nominations Received this Session: 20,517

Total Confirmed: 19,815

Total Unconfirmed: 667

Total Withdrawn: 23

Total Returned to the White House: 12
HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(112th Cong., 1st Sess.)
<table>
<thead>
<tr>
<th>Law No.</th>
<th>Law No.</th>
<th>Law No.</th>
<th>Law No.</th>
<th>Law No.</th>
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<tbody>
<tr>
<td>S. 188</td>
<td>S. 1639</td>
<td>H.R. 765</td>
<td>H.R. 1975</td>
<td>H.R. 2867</td>
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<td>S. 278</td>
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<td>H.R. 771</td>
<td>H.R. 2005</td>
<td>H.R. 2883</td>
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<td>S. 307</td>
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<td>H.R. 789</td>
<td>H.R. 2017</td>
<td>H.R. 2887</td>
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<td>S. 349</td>
<td>S.J. Res. 7</td>
<td>H.R. 793</td>
<td>H.R. 2053</td>
<td>H.R. 2943</td>
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<tr>
<td>S. 365</td>
<td>S.J. Res. 8</td>
<td>H.R. 818</td>
<td>H.R. 2056</td>
<td>H.R. 2944</td>
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<td>S. 384</td>
<td>S.J. Res. 9</td>
<td>H.R. 1059</td>
<td>H.R. 2061</td>
<td>H.R. 3078</td>
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<td>S. 555</td>
<td>S.J. Res. 22</td>
<td>H.R. 1079</td>
<td>H.R. 2062</td>
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<td>H.R. 4</td>
<td>H.R. 1249</td>
<td>H.R. 2112</td>
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<td>S. 846</td>
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<td>H.R. 1308</td>
<td>H.R. 2192</td>
<td>H.R. 3321</td>
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<td>S. 894</td>
<td>H.R. 394</td>
<td>H.R. 1365</td>
<td>H.R. 2279</td>
<td>H.R. 3421</td>
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<td>S. 990</td>
<td>H.R. 398</td>
<td>H.R. 1385</td>
<td>H.R. 2422</td>
<td>H.R. 3476</td>
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<td>S. 1082</td>
<td>H.R. 470</td>
<td>H.R. 1473</td>
<td>H.R. 2447</td>
<td>H.R. 3672</td>
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<td>S. 1103</td>
<td>H.R. 489</td>
<td>H.R. 1540</td>
<td>H.R. 2553</td>
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<td>S. 1280</td>
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<td>H.R. 2608</td>
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<td>S. 1312</td>
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<td>H.R. 1801</td>
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<td>S. 1637</td>
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<td>H.R. 1893</td>
<td>H.R. 2845</td>
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**BILLS ENACTED INTO PUBLIC LAW (112TH, 1ST SESSION)**

- **BILLS VETOED**

  - H.R. 4
  - H.R. 366
  - H.R. 1249
  - H.R. 1264
  - H.R. 2149
  - H.R. 3080
  - H.R. 3081
  - H.R. 3082
  - H.R. 3140
  - H.R. 3362
  - H.R. 3364
  - H.R. 3765
<table>
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<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Date of passage</th>
<th>Public Law</th>
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</thead>
<tbody>
<tr>
<td>To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.</td>
<td>H.R. 366</td>
<td>Jan. 20, 2011</td>
<td>SB</td>
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<td>Jan. 25, 2011</td>
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<tr>
<td>To designate the United States courthouse under construction at 96 West First Street, Yuma, Arizona, as the &quot;John M. Roll United States Courthouse&quot;.</td>
<td>S. 188</td>
<td>Jan. 26, 2011</td>
<td>EPW</td>
<td></td>
<td></td>
<td>Feb. 9, 2011</td>
<td>2</td>
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<tr>
<td>Making further continuing appropriations for fiscal year 2011, and for other purposes.</td>
<td>H.J. Res. 44</td>
<td>Feb. 28, 2011</td>
<td>Bud App</td>
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<td></td>
<td>Mar. 1, 2011</td>
<td>4</td>
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<tr>
<td>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 the airport improvement program, and for other purposes.</td>
<td>H.R. 1079</td>
<td>Mar. 15, 2011</td>
<td>TI WM</td>
<td>Mar. 29, 2011</td>
<td>41</td>
<td>Mar. 29, 2011</td>
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<tr>
<td>Making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.</td>
<td>H.R. 1363</td>
<td>Apr. 4, 2011</td>
<td>App Bud</td>
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<td>Apr. 7, 2011</td>
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<td>To repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.</td>
<td>H.R. 4</td>
<td>Jan. 12, 2011</td>
<td>WM</td>
<td>Feb. 22, 2011</td>
<td>15</td>
<td>Mar. 3, 2011</td>
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<tr>
<td>To designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the &quot;W. Craig Broadwater Federal Building and United States Courthouse&quot;.</td>
<td>S. 307</td>
<td>Feb. 8, 2011</td>
<td>TI EPW</td>
<td>Apr. 12, 2011</td>
<td>39</td>
<td>Apr. 12, 2011</td>
<td>11</td>
</tr>
<tr>
<td>Providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution.</td>
<td>S.J. Res. 8</td>
<td>Feb. 28, 2011</td>
<td>HA RAdm</td>
<td></td>
<td></td>
<td>Apr. 12, 2011</td>
<td>12</td>
</tr>
<tr>
<td>To amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.</td>
<td>H.R. 1308</td>
<td>Apr. 1, 2011</td>
<td>OGR</td>
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<td>Apr. 12, 2011</td>
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<td>Bill No.</td>
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<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
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<td>S. 990</td>
<td>May 12, 2011</td>
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<td>S. 1082</td>
<td>May 26, 2011</td>
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<td>Date</td>
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</tbody>
</table>

To temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

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 the airport improvement program, and for other purposes.

To provide for patent reform.

To designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

To reauthorize the Combating Autism Act of 2008.

Making continuing appropriations for fiscal year 2012, and for other purposes.

To amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

To extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

To designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schartz Veterans Post Office".

To designate the facility of the United States Postal Service located at 3014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

To extend the Generalized System of Preferences, and for other purposes.

To authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

To designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

To reauthorize the Combating Autism Act of 2008.

Making continuing appropriations for fiscal year 2012, and for other purposes.

To implement the United States-Korea Free Trade Agreement.

To implement the United States-Colombia Trade Promotion Agreement.

To implement the United States-Panama Trade Promotion Agreement.
<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Date of passage</th>
<th>Public Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 purposes.</td>
<td>H.R. 765</td>
<td>Feb. 17, 2011</td>
<td>Agr</td>
<td>July 20, 2011</td>
<td>164</td>
<td>Oct. 3, 2011</td>
<td>Oct. 18, 2011</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the 'First Lieutenant Oliver Goodall Post Office Building'.</td>
<td>H.R. 1975</td>
<td>May 24, 2011</td>
<td>OGR</td>
<td>Oct. 19, 2011</td>
<td>0</td>
<td>July 30, 2011</td>
<td>Oct. 20, 2011</td>
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<td>To designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the 'Matthew A. Pucino Post Office'.</td>
<td>H.R. 2062</td>
<td>May 31, 2011</td>
<td>OGR</td>
<td>Oct. 19, 2011</td>
<td>0</td>
<td>July 30, 2011</td>
<td>Oct. 20, 2011</td>
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<td>To amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.</td>
<td>S. 894</td>
<td>May 5, 2011</td>
<td>VA</td>
<td>Aug. 1, 2011</td>
<td>44</td>
<td>Nov. 2, 2011</td>
<td>Oct. 19, 2011</td>
</tr>
<tr>
<td>To authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.</td>
<td>S. 1487</td>
<td>Aug. 2, 2011</td>
<td>HS&amp;GA</td>
<td>Nov. 3, 2011</td>
<td>92</td>
<td>Nov. 4, 2011</td>
<td>Nov. 3, 2011</td>
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<tr>
<td>Bill Number</td>
<td>Description</td>
<td>Date of Action</td>
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<td>H.R. 674</td>
<td>To amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to ... gross income for purposes of determining eligi-bility for certain healthcare-related pro-grams, and for other purposes.</td>
<td>Feb. 11, 2011</td>
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<td>S. 1280</td>
<td>To amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual as-sault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.</td>
<td>June 27, 2011</td>
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<td>H.R. 398</td>
<td>To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.</td>
<td>Jan. 24, 2011</td>
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<td>H.R. 2447</td>
<td>To grant the congressional gold medal to the Montford Point Marines.</td>
<td>July 7, 2011</td>
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<td>S. 1412</td>
<td>To designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the &quot;Officer John Maguire Post Office&quot;.</td>
<td>July 25, 2011</td>
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<td>H.R. 3321</td>
<td>To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in ac-tivities related to the competition, and for other purposes.</td>
<td>Nov. 2, 2011</td>
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<tr>
<td>S. 1637</td>
<td>To clarify appeal time limits in civil actions to which United States officers or employ-ees are parties.</td>
<td>Oct. 3, 2011</td>
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<td>H.R. 394</td>
<td>To amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.</td>
<td>Jan. 24, 2011</td>
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<td>H.R. 2192</td>
<td>To exempt for an additional 4-year period, from the application of the means-test pre-sumption of abuse under chapter 7, qualifying members of reserve components ... after September 11, 2001, are called to active duty or to per-form a homeland defense activity for not less than 90 days.</td>
<td>June 15, 2011</td>
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<td>S. 1541</td>
<td>To amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.</td>
<td>Sept. 12, 2011</td>
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<td>H.J. Res. 94</td>
<td>Making further continuing appropriations for fiscal year 2012, and for other purposes.</td>
<td>Dec. 16, 2011</td>
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<td>H.J. Res. 95</td>
<td>Making further continuing appropriations for fiscal year 2012, and for other purposes.</td>
<td>Dec. 16, 2011</td>
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<td>S. 535</td>
<td>To authorize the Secretary of the Interior to lease certain lands within Fort Pulaski Na-tional Monument, and for other purposes.</td>
<td>Mar. 9, 2011</td>
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<td>To provide for the conveyance of certain parcels of land to the town of Mantua, Utah.</td>
<td>S. 683</td>
<td>Mar. 30, 2011</td>
<td>ENR</td>
<td>Aug. 30, 2011</td>
<td>60</td>
<td>Dec. 7, 2011</td>
<td>70</td>
</tr>
<tr>
<td>To grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.</td>
<td>S.J. Res. 22</td>
<td>June 28, 2011</td>
<td>Jud</td>
<td>Dec. 6, 2011</td>
<td>60</td>
<td>Nov. 2, 2011</td>
<td>71</td>
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<tr>
<td>To further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.</td>
<td>H.R. 470</td>
<td>Jan. 26, 2011</td>
<td>NR</td>
<td>July 20, 2011</td>
<td>159</td>
<td>Oct. 3, 2011</td>
<td>72</td>
</tr>
<tr>
<td>To authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.</td>
<td>H.R. 2061</td>
<td>May 31, 2011</td>
<td>OGR</td>
<td>July 18, 2011</td>
<td>149</td>
<td>Nov. 2, 2011</td>
<td>73</td>
</tr>
<tr>
<td>Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.</td>
<td>H.R. 2055</td>
<td>May 31, 2011</td>
<td>App</td>
<td>May 31, 2011</td>
<td>94</td>
<td>June 14, 2011</td>
<td>74</td>
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<tr>
<td>To extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.</td>
<td>H.R. 3765</td>
<td>Dec. 23, 2011</td>
<td>WM</td>
<td>Dec. 23, 2011</td>
<td>78</td>
<td>Dec. 23, 2011</td>
<td>78</td>
</tr>
<tr>
<td>To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.</td>
<td>H.R. 1540</td>
<td>Apr. 14, 2011</td>
<td>AS</td>
<td>May 17, 2011</td>
<td>78</td>
<td>May 26, 2011</td>
<td>81</td>
</tr>
</tbody>
</table>
To designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office".

To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

To designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

To amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

To instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

To designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.
Next Meeting of the Senate
9:30 a.m., Thursday, March 8

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century, with a series of votes at a time to be determined by the two Leaders.

Next Meeting of the House of Representatives
10 a.m., Thursday, March 8

House Chamber


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Burton, Dan, Ind., E331
Colfman, Mike, Colo., E330
Costa, Jim, Calif., E328
Gonzales, Charles A., Tex., E325, E327, E330, E333
Goodlatte, Bob, Va., E329
Granger, Kay, Tex., E334
Hastings, Alcee L., Fla., E326
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McCullum, Betty, Minn., E338
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