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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, March 27, 2012.

I hereby appoint the Honorable ERIK PAULSEN 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.

RUSSIA AND THE JACKSON-VANIK AMENDMENT

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

Mr. DREIER. Mr. Speaker, there are a lot of issues with which we have to contend around here. Obviously there are dramatic increases in gasoline prices. We are going to be dealing with the budget this week. FCC reform is on the agenda for today. But one issue that hasn’t gotten a great deal of attention that we are going to be addressing in the coming weeks and months is whether or not we deal with the issue of so-called “Jackson-Vanik legislation” and allow us to proceed with extending permanent normal trade relations for us to be able to trade with Russia.

Mr. Speaker, as we look at this issue, there are a number of factors that need to be addressed: first and foremost, what impact is this going to have on our Nation’s job creators, those who are trying to grow our economy; and equally, if not more, important is the impact on human rights, the development of the rule of law, and the building of democratic institutions in Russia.

Now, we all heard the statement that was made by the President just yesterday in his off-microphone discussion with President Medvedev about how things are going to go and the flexibility he’ll have in his second term. Well, Mr. Speaker, it seems to me that one thing that is very important for us to recognize is, there is action that we can take today that will allow us to deal not only with the notion of our creating jobs here in the United States of America but also tackling the very important human rights issue.

Let’s also realize that Russia is going to be a member of the World Trade Organization. All that’s necessary now is for the Duma, the Russian Parliament, to ratify their accession. The question is, will U.S. workers have access to the Russian market? And that’s very important. But also, as we look at the challenges of getting our economy growing, we recognize that that is a priority. But as I said, Mr. Speaker, it’s also very, very, very critical for us to do everything that we can to ensure the development of those democratic institutions in Russia, the development of the rule of law, which we all know has been lacking based on what we’ve seen in the last election, and also to ensure the kinds of human rights and women’s rights that have been ignored.

Mr. Speaker, I would like to share with my colleagues a little bit of a letter that was just put forward by a half-dozen of the lead human rights activists in Russia. These are not my words. These are the words of these human rights activists. They say:

Those who defend the argument that Jackson-Vanik provisions should still apply to Russia in order to punish Putin’s antidemocratic regime only darken Russia’s political future, hamper its economic development, and frustrate its democratic aspirations.

They go on to say:

Jackson-Vanik is also a very useful tool for Mr. Putin’s anti-American propaganda machine. It helps him to depict the United States as hostile to Russia, using outdated Cold War tools to undermine Russia’s international competitiveness. We, leading figures of the Russian political opposition, strongly stand behind efforts to remove Russia from the provisions of the Jackson-Vanik amendment. Jackson-Vanik is not helpful in any way, neither for the promotion of human rights and democracy in Russia nor for the economic interests of its people.

Mr. Speaker, it’s high time that we tackle this issue to ensure that we can promote human rights, the rule of law, and the development of democratic institutions in Russia and ensure that we, for the American worker, can create job opportunities right here in the United States.

HONORING ARA PARSEGHIAN

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to honor an American hero, Ara Parseghian, who has led a life dedicated to coaching and teaching others, serving others, and a life that has given hope to families all across the world. Many Americans know about Ara Parseghian through his legendary football career. Before that, though, he proudly served our Nation in the United States Navy during World War II. He went to college at Miami of Ohio and was lucky enough to marry Kathy Davis.
The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. The House is about to consider a budget in a dangerous hour in the life of our country. Last year, we barreled past several urgent warning signals—the loss of our Nation’s AAA credit rating; the size of the national debt surpassing our entire economy; and a record third straight year of trillion-dollar-plus annual deficits. I believe this is one of the last opportunities to avert a financial crisis unprecedented in our Nation’s experience and on a magnitude far greater than that which is now destroying Greece.

The blueprint passed by the House Budget Committee last week is a disappointment to those who believe that the budget can and should be balanced much sooner, and I certainly don’t entirely disassociate myself from those sentiments. But the immediate issue before us, as Lincoln put it, “is not can any of us imagine better? but, can we all do better?”

The approaching financial crisis demands first and foremost that we turn this country away from the fiscal precipice and place it back on a course to solvency. This budget does so. Indeed, it improves upon last year’s House budget that died in the Senate, which, according to Standard & Poor’s, would have preserved the AAA credit rating of the United States Government. This budget, I believe, will restore it.

It is, of course, a long road back, balancing by the late 2030s and ultimately paying off the entire debt by the mid 2050s. But even relying on the static scoring of the CBO which presents a worst-case scenario, it still means that children in college, will be able to retire into a prosperous and entirely debt-free America.

True, there’s a great deal in it for conservatives not to like, but that is not the issue. The issue is will this Congress and, ultimately, this government change its fiscal trajectory enough to avert the sovereign debt crisis that fiscal experts across the spectrum warn us is just a few years dead ahead.

This is not some moonless night on the Atlantic. We can see this danger right ahead of us, and we can see that it is big enough to sink this great ship of state. We have precious little time remaining to avert it. This budget will turn us just the budget to avoid that calamity—and I fear we won’t have many more opportunities to do so.

The alternative is unthinkable. The President’s budget would subject our Nation to one of the biggest tax increases in its history, striking especially hard the families that we’re depending upon to create two-thirds of the new jobs that Americans desperately need. And even so, by its own numbers, it never balances and, thus, courts the fiscal collapse of our Nation.

Hemmingway asked, “How do you go bankrupt?” “Two ways,” he said. “Gradually, then suddenly.”

For the last decade, this Nation has been going bankrupt gradually. History warns us that if we don’t change course very soon, we will cease going bankrupt gradually and start going bankrupt quite suddenly. It may happen through a chain reaction by a seemingly minor international incident. It may happen one day when a routine bond auction sours. Interest rates will start rising rapidly. Financial panics will begin. The government will have to respond by increasingly frantic efforts to maintain a stream of capital, either through massive policy dislocations or catastrophic inflation.

The approach of great cataclysms that are so obvious to historians in retrospect are often unheeded by contemporaries at the time. Just 30 days before the outbreak of World War II, Neville Chamberlain recessed Parliament to go on extended holiday. Let that not be how history remembers this Congress. This budget is not perfect, but it is adequate to spare our country from the convulsions of Greece.

I wholeheartedly support this budget for that reason, and I expect that we’ll have the overwhelming support of this House. I can only hope that the Senate Senate will put its differences and heed Lincoln’s plea that:

The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. We must disenthrall ourselves, and then we will save our country.

CYCLING: A COMPREHENSIVE APPROACH TO TRANSPORTATION

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

Mr. BLUMENAUER. Often, here on Capitol Hill, issues large and small get sort of lost in the fog, but it was a pleasure last week to watch some moments of clarity as hundreds of bicycle advocates flooded Capitol Hill delivering a simple, concise, powerful message that makes a difference in terms of how people live in their communities large and small. They were delivering a message that Congress ought to deal meaningfully, in a comprehensive fashion, with the transportation legislation that has been stalled. They were delivering a message that the Administration ought to deliver a message of: Don’t attack cycling. Embrace it as part of a comprehensive approach to transportation. It is, after all, the most efficient form of urban transportation ever designed.

 Burning calories instead of fossil fuel doesn’t just save you money and make you feel better; it’s good for our communities. It’s the cheapest, fastest way to reduce congestion and air pollution. A very simple illustration is you can
March 27, 2012

CONGRESSIONAL RECORD — HOUSE

H1579

park eight to 10 bicycles where one automobile resides. It’s good for the economy. Over $6 billion a year is involved with the cycling industry, employing over a million people. They brought very specific examples: a study from Wisconsin, $1.5 billion of economic impact and 13,200 jobs in an industry that too often does not get its attention. In my community of Portland, Oregon, a medium-sized city, it’s $100 million a year in our economy or over 1,000 jobs.

Cycling is also very good for our children and our families. Being able to walk or bike safely to school helps kids actually perform better. Parents are less stressed. It could save some of the 6.5 billion trips a year of over 30 billion miles just shuttling kids back and forth to school.

People, frankly, were outraged that my Republican friends had targeted, in their transportation bill, elimination of the Safe Routes to School program. Other than them, I haven’t met anybody in America who is against this program, that empowers our children and helps our families.

Now is a golden opportunity as the transportation bill collapsed and we’re back at the drawing board to look at how we leverage that $8 billion that we have invested in Federal money over the last 20 years that has touched every State and hundreds of communities. Now is the time to celebrate that progress. Now is the time to commit ourselves to a comprehensive transportation bill that makes it safer to walk and safer to bike. Now is the time to have a transportation bill that will make every one of our communities more livable and our families safer, healthier, and more economically secure.

AFGHANISTAN

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

Mr. JONES. Last week, in the Armed Services Committee, we had General Allen, who oversees our military effort in Afghanistan. I have the utmost respect for General Allen. In fact, General Allen’s former boss in the Marine Corps had some very kind words to say about General Allen, which I read before I got into my questions.

I would today like to quote the former boss of General Allen, who’s been my adviser on Afghanistan for 3 years, and I actually read these comments to General Allen before I got to my question:

Attempting to find a true military and political answer to the problems in Afghanistan will require decades, not years, and drain our Nation of precious resources, with the most precious being our sons and daughters. Simply put, the United States cannot solve the Afghan problem, no matter how brave and determined our troops are.

Mr. Speaker, I keep hearing the term, well, we’re going to probably be out sometime around 2014. Well, it’s kind of like what many of us, including myself, are guilty of, and that is putting it down the road, putting it down the road, we’ll deal with it in some time. But the problem is our young men and women are dying, getting killed and wounded by IEDs. I hope that Congress, when we get into May of this year and we start debating the Department of Defense bill, will bring up some amendments dealing with Afghanistan.

History has proven time and time again that no one, no nation will ever change Afghanistan. And it was kind of ironic that last week I just happened to be on the floor Thursday when Mr. HOYER was asking Mr. CANTOR, on our side, what is going to be the schedule this week, meaning today. And then Mr. HOYER said to Mr. CANTOR, well, why don’t we bring up the Senate transportation bill? And I was just taken aback by Mr. CANTOR’s response. He said, “We’ve got to spend our money. We’re just out of money.” And we’re spending $10 billion a month in Afghanistan?

I don’t understand the mathematics around here. We can’t bring up a transportation bill because we’re just out of money. But, yet, Mr. Karzai, you can get your $10 billion a month and you can negotiate with the Taliban and the $10 billion that we’re borrowing from the Chinese to try to get them to give us weapons to kill the American soldiers and marines. It just does not make any sense.

Mr. Speaker, I have put together a resolution that I have asked the speaker of the North Carolina House of Representatives, Thom Tillis, who is a great gentleman, to introduce in the May session of the North Carolina House asking the Congress to bring our troops home out of Afghanistan before the 2014 deadline. And I’m pleased to say that my district, who doesn’t agree with me on everything, does agree with me on Afghanistan. They have passed this resolution at their meeting a month ago. We need to start bringing our troops home now, not later.

Mr. Speaker, I’ve got beside me today—and I’m going to close in just a minute—a reminder of the cost of war—all the families who have cried with pain and all the children who have cried because their moms or their dads are not. So I have about 14 of these posters when I do these little 5-minute speeches I bring to the floor. This is the latest one. I saw it in the newspaper. It’s very profound. It is time for the American people to have Congress, if you have no money and you can’t fix the roads, then you have no money to send to Afghanistan to waste on a corrupt leader.

With that, Mr. Speaker, I would like to close the way I normally do: God, bless our men and women in uniform; please bless the families of our men and women in uniform; please, God, bless the House and Senate that we will do what’s right in the eyes of God for His people. I ask God to please bless the President of the United States, that he will do what is right in the eyes of God for His people. And I’ll close the way I normally do:

END RACIAL PROFILING

The SPEAKER pro tempore (Mr. CRAVACK). The Chair recognizes the gentleman from Florida (Ms. Wilson) for 5 minutes.

Ms. WILSON of Florida. Twenty years ago, while serving as a school principal, I founded the 5,000 Role Models of Excellence Project in Miami, Florida—a million dollar, nationally recognized and honored foundation that specifically addresses the trials and tribulations of young black boys and sends them to college. It serves almost 1,000 boys throughout Florida.

In spite of that, this sign stands outside my door of my congressional office, and I change the number every day. It speaks loudly. Trayvon Martin’s murderer is still at large. Thirty-nine days with no arrest. Trayvon died because of racial profiling 31 days ago.

If you walk into any inner city high school in the African American community, Mr. Speaker, and ask the students, “Have you ever been racially profiled?” trust me, every one of them will raise their hands, boys and girls. You might say to me, “Congresswoman, what does that mean? Who is profiled? And who is doing the profiling?” I will tell you: Boys by police officers. Boys by vigilante wannabe-police officers. Boys who get into a cab and then everyone else gets off. Boys who walk down the sidewalk and everyone crosses the street.

Boys who watch people lock their car doors when they approach a car. Boys who see women clutch their purse as they walk towards them.

Boys who will try to catch a cab but not one who will stop.

Boys who are followed around in stores while they shop.

Boys who wear gold teeth. Boys who say to me, “Trust me, every one of them will raise their hands, boys and girls.

And boys who are walking while black, talking while black, shopping while black, eating while black, studying while black, and playing while black, and just being black.

How would you feel if you were treated with such disdain and such isolation? How do you think these little boys feel? It is a sociological problem that dates back to the days of slavery. These boys begin to see themselves not as real men, but as caricatures of real men, whom people fear and despise.

Racial profiling for black boys is real, Mr. Speaker. It is not perceived. It is real, and it is happening as I speak
all over America today. Boys and girls, whom some would call a menace to society, will one day grow up to be good men in society. Those very same boys cry themselves to sleep at night because they don’t know how to deal with the pressures and with the pain. You have to walk in their shoes to understand.

I call upon this Congress today and upon this Nation today:

Don’t profile them.
Don’t fear them.
Don’t despise them.
Don’t fill our prisons with them.
And please don’t hunt them down like dogs and kill them.
Love them and educate them. They could be your son. They are all somebody’s son. And they, too, are God’s children.

Thirty-one days and still no justice. Shame, shame, shame. And today, I again demand justice for Trayvon. I demand justice for all murdered children. Power to the people and power to the children.

NATIONAL DEVELOPMENTAL DISABILITY AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MCKINLEY) for 5 minutes.

Mr. MCKINLEY. Mr. Speaker, March is National Developmental Disability Awareness month. This is a time that we can all take a moment to bring attention and understanding to both the needs and the assets of people with developmental disabilities.

This awareness month was first declared by President Ronald Reagan in 1987 to recognize the bright future that these American citizens have in front of them. Thanks in part to proclamations like this, the perceptions of young people and adults with developmental disabilities has changed.

On a personal note, as an individual with a significant hearing disability and a grandfather of a child with special needs, I am very familiar with the hardships of overcoming the obstacles of disabilities. My grandson, Maxwell, has CHARGE syndrome and deals every day with intense developmental and medical challenges. He is a true inspiration to his mother and our entire family.

During Developmental Disabilities Awareness Month, I encourage everyone to engage with people in our communities who have developmental disabilities and recognize their talents and abilities that will make this a better Nation.

REVEREND AL SHARPTON AND TRAYVON MARTIN

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

Mr. AL GREEN of Texas. Mr. Speaker, I would like to say to all who are within the sound of my voice or may be viewing what is said that I am exceedingly grateful and I thank God for Reverend Al Sharpton.

Reverend Sharpton has been involved in the Trayvon Martin circumstance of a sad situation, but I suspect unusual. What may be considered unusual is that he is involved at a time when he has lost his mother, and he is acting under some courageous circumstances that require courage, I might say, under these circumstances. I admire what he has done and admire the fact that he is doing it under these circumstances, and today he is funeralling his mother.

So to Reverend Al Sharpton, I want to express my gratitude; and I would like to just take a very short brief moment of silence and express my sympathies silently to Reverend Sharpton and his family.

Thank you.

Mr. Speaker, I want to thank all of my colleagues who have supported what the Justice Department is doing. It is exceedingly important that people understand that this is a bipartisan effort across the length and breadth of this country. This transcends the lines that can divide us that is not about not being a liberal. It’s about justice for Trayvon Martin. I believe that people of goodwill come in all stripes, they are affiliated with all parties, and people of goodwill will want to come out.

My colleague before me expressed that it has been 31 days and there has not been an arrest. We are now hearing more about what may have happened. I say “may have happened” because we have not had an eyewitness to come forward and give statements. It’s important to note that what we’re hearing is not coming by way of eyewitness testimony. Someone has had someone say something that they are repeating.

My hope is that we will have the opportunity to get to the bottom of this. This will be a thorough investigation. There should be an investigation. My hope is that we will have the opportunity to produce evidence by and through the constabulary to show what actually happened to the extent that the standard that is commonly used to make an arrest is applied to this case. That standard is probable cause. It is not guilt beyond a reasonable doubt, not clear and convincing evidence, but, rather, probable cause. It is whether there is probable cause.

We have many laws that are coming into play, and I want to thank Chairman JOHN CONYERS. I call him chairman. He is now the ranking member of the Judiciary Committee. I want to thank him because he is taking the lead today on a forum that will take place. In fact, he’s making it possible for us to have this forum today. At this forum today, there will be some clarity brought to how the Federal Government is involved in these kinds of circumstances.

In ’09, there was a hate crimes law that was passed. There will be some considerable talk about this hate crimes law that was passed. Federal jurisdiction has been expanded under the ’09 law, pursuant to the 14th Amendment and the equal protection provided thereunder. There will be talk about how the Justice Department has a role as it pertains to this case. So I will be honored to have an opportunity to be at this forum today so that we can talk more about the Federal role.

In the final analysis, here’s what we’re dealing with. We’re dealing with a circumstance wherein there are at least two people who deserve a fair trial. Trayvon Martin is one of the two people, at least, who deserves a fair trial. He deserves a fair hearing on what happened that day. He cannot speak for himself, but there is evidence that speaks volumes about what happened on this occasion. That evidence has to be considered such that some impartial body can make a determination as to whether or not there should be an arrest.

If there is an arrest—and I believe that the evidence exists such that there is probable cause—if there is an arrest, then there can be a trial and then there can be the transparency that the United States of America produces whenever we have trials, because there will be an opportunity for all sides to present their evidence in a court of law before a jury if a jury is desired. This is the way we do things in the United States of America.

Regardless of his color, he deserves a fair trial. Regardless of what he had on, he deserves a fair trial. And to those who say that hoodies make you a criminal, I say: Be careful, because you’re getting dangerously close to saying women can cause themselves to become victims. You’re dangerously close, so be careful.

LETTING THE ENTREPRENEURIAL SPIRIT TAKE HOLD

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

Mr. MCHENRY. Mr. Speaker, today I want to talk about something that is very important, a great opportunity for this Congress to lift the red tape that inhibits the Justice Department has a role as it pertains to this case. So I will be honored to have an opportunity to be at this forum today so that we can talk more about the Federal role.

In the final analysis, here’s what we’re dealing with. We’re dealing with a circumstance wherein there are at least two people who deserve a fair trial. Trayvon Martin is one of the two people, at least, who deserves a fair trial. He deserves a fair hearing on what happened that day. He cannot speak for himself, but there is evidence that speaks volumes about what happened on this occasion. That evidence has to be considered such that some impartial body can make a determination as to whether or not there should be an arrest.

If there is an arrest—and I believe that the evidence exists such that there is probable cause—if there is an arrest, then there can be a trial and then there can be the transparency that the United States of America produces whenever we have trials, because there will be an opportunity for all sides to present their evidence in a court of law before a jury if a jury is desired. This is the way we do things in the United States of America.

Regardless of his color, he deserves a fair trial. Regardless of what he had on, he deserves a fair trial. And to those who say that hoodies make you a criminal, I say: Be careful, because you’re getting dangerously close to saying women can cause themselves to become victims. You’re dangerously close, so be careful.

LETTING THE ENTREPRENEURIAL SPIRIT TAKE HOLD

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

Mr. MCHENRY. Mr. Speaker, today I want to talk about something that is very important, a great opportunity for this Congress to lift the red tape that inhibits the Justice Department has a role as it pertains to this case. So I will be honored to have an opportunity to be at this forum today so that we can talk more about the Federal role.

In the final analysis, here’s what we’re dealing with. We’re dealing with a circumstance wherein there are at least two people who deserve a fair trial. Trayvon Martin is one of the two people, at least, who deserves a fair trial. He deserves a fair hearing on what happened that day. He cannot speak for himself, but there is evidence that speaks volumes about what happened on this occasion. That evidence has to be considered such that some impartial body can make a determination as to whether or not there should be an arrest.

If there is an arrest—and I believe that the evidence exists such that there is probable cause—if there is an arrest, then there can be a trial and then there can be the transparency that the United States of America produces whenever we have trials, because there will be an opportunity for all sides to present their evidence in a court of law before a jury if a jury is desired. This is the way we do things in the United States of America.

Regardless of his color, he deserves a fair trial. Regardless of what he had on, he deserves a fair trial. And to those who say that hoodies make you a criminal, I say: Be careful, because you’re getting dangerously close to saying women can cause themselves to become victims. You’re dangerously close, so be careful.

LETTING THE ENTREPRENEURIAL SPIRIT TAKE HOLD

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

Mr. MCHENRY. Mr. Speaker, today I want to talk about something that is very important, a great opportunity for this Congress to lift the red tape that inhibits the
that are likely to fail when you create a small business. But still, we have netted 40 million new jobs out of this one sector over the last 30 years.

Fixing this mess that we've seen in this recent downturn won't happen overnight, and there is no silver bullet for fixing it. It starts with people believing that America has seen the world catch up, catch up to what once was the most vibrant capital market on the planet here in the United States. The world has caught up because they see what that does in terms of job creation. They want to get up in terms of regulations and, they allow capital to flow more easily in other jurisdictions around the world.

We also know, according to the World Bank, that the Doing Business report found that the U.S. fell from third to 13th in the ease of starting new businesses. It's fallen that quickly just in the last 5 years. And because of Dodd-Frank, credit is less available and more costly than it was before. We have restrictions in place for businesses to get the lending that they need.

At the same time, we haven't updated our securities regulations in the United States in 80 years. There has been no significant rewrite since the Securities Act of 1933 and the Securities and Exchange Act of 1934. They put in place restrictions that were right at the time. You had this new technology called the telephone. You had folks hawking securities on street corners in New York, and so they wrote regulations at the time that were applicable to the time.

We know that the Internet is a fully mature ecosystem now. We know that billions of dollars are transacted just on eBay alone. People have an online reputation with social networks that they want to take that power and actually allow businesses to use that power of the Internet and social networks. That's why I filed, and this House passed, the Entrepreneur Access to Capital Act that provides those updates, so you can actually have crowdfunding.

What is crowdfunding? Crowdfunding is the best of microfinancing and crowdsourcing. You use a wide network of individuals and you can raise capital for your new business, your start-up, or your small business. We passed that and sent it to the Senate.

The Senate didn't do anything, they didn't act, so we repackaged the bill and put it within the JOBS Act. This House passed it with an overwhelming majority of nearly 400 votes. We sent it to the Senate and the Senate changed a few small provisions and is sending it back this week. We hope to pass that bill this week and send it to the President's desk.

What the legislation for crowdfunding does is remove that restriction on communications with the public which the Securities Act of 1933 puts in place, and lifts the cap on investors that the Securities Exchange Act of 1934 provides for.

### 1040

So, crowdfunding is a great opportunity for small businesses to raise equity. Unfortunately, the Senate decided to amend a few small provisions within this crowdfunding act that we were able to pass here in the House, I believe a few misguided, ill-informed provisions: one, expanding liability provisions for crowdfunding securities, and number 2, banning general solicitation, which means that a company can't put up on their Facebook or post on their Twitter account, they can't tweet the fact that they're trying to raise capital. I think those restrictions are flawed and misguided, and I would ask the Senate to come around to fixing these provisions.

I think it's very important the House pass the JOBS Act this week so we can make capital formation more democratic, more in touch with the market as it is today. And so I ask my colleagues to vote for the JOBS Act, and I ask the President to sign this bill so that we can help capital formation in the United States and get people working again.

#### NUCLEAR WASTE REPOSITORIES

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

Mr. SHIMKUS. It's been a couple of weeks since I've been able to come down to the floor and talk about high-level nuclear waste. As you know, through the past year, I've been coming to the floor. I am chairman of the Environment and the Economy Subcommittee. We have jurisdiction over a lot of different types of waste. One of those is nuclear waste.

I also have come to the floor to just give a short history lesson on where we've been and the problems that stand in our way. In 1982, the national government passed the Nuclear Waste Policy Act. In 1987 amendments were then offered that said we need to have a long-term geological repository and that repository should be Yucca Mountain.

So I've been going around the country and looking at the different places where we have high-level nuclear waste, whether it's on the west coast, the State of Florida, Massachusetts, in the central part. Today I go to the State of Colorado, which has nuclear waste in the State, and I want to compare it to where it should be.

As a review, Yucca Mountain is, by law, defined as the place where we should move our high-level nuclear waste. Currently, there's no nuclear waste on-site. The waste would be stored a thousand feet underground. The waste would be a thousand feet above the water table because it's in a desert. And the waste is 100 miles from the Colorado River.

Now, compare that to the nuclear waste that is at a location called Fort St. Vrain. Currently, there are 30 million tons of uranium, of spent fuel, on-site. The waste is stored above-ground in vaults. The waste is less than 25 feet above the groundwater, and the waste is 1 mile from the South Platte River. A mile from the South Platte River, 100 miles from the Colorado River.

So part of this debate is, why haven't we moved and complied with Federal law? Well, we all know that. It's the Senator from the State of Nevada, who's made it his personal crusade to block our ability to proceed and has blocked funding for the final scientific study.

This whole debate has moved into the political arena, not the arena of law, and in the U.S. Senate you really need 60 votes to move public policy. So I've been coming down to the floor and looking at Senators from States that surround Colorado and see where they have either declared their position or voted for the national repository, Yucca Mountain.

As you see, from Texas, you've got Senator CORNYN, who's a yes; Senator HUTCHISON is a yes. Oklahoma, Senator CORBURN's a yes; Senator INHOFE's a yes. New Mexico, Senator BINGAMAN has voted no. Senator BENNET from Colorado is new, hasn't really stated a position. We'd like to see him get on the record.

My two friends, the Udall cousins, both TOM and MARK, we will check the record, but I believe that they've cast a vote in the Senate, and if not, they haven't stated a recent position.

Why is that important? Because we've been tallying up the votes are, and right now we really need 60 votes to come to conclusion. We've already spent $15 billion, and we have no nuclear waste on-site. Right now, based upon our calculations, we have 45 Senators who would support moving of high-level nuclear waste to Yucca Mountain. We have 17 who we don't know their position, and we have 16 who have stated or they have voted in the past as no. So our challenge here is to get these Senators on record and show the collective will.

Now, we've done it in the House. We've had votes in the House in which we had about 300 Members of this Chamber, a bipartisan vote, in support of moving forward on the funding, the scientific funding to finally finish a single repository at Yucca Mountain. It's very important for our national security. It's very important for all the locations around. We have 104 nuclear power plants in this country; all have nuclear waste on-site.

We also have nuclear waste that's involved with our defense industry back at Fort St. Vrain. That waste was supposed to be transported, but litigation has kept it there. If we don't move that waste, then by 2035 the Federal Government will have to pay the State of Colorado $15,000 a day until we take the responsibility that we have committed to as a national government.

I appreciate this time, Mr. Speaker, to come down. We'll continue to get
through all the U.S. Senators and attempt to try to get to the magic number of 60.

COMMEMORATING GREEK INDEPENDENCE DAY

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

Mr. BILIRAKIS. Today, I rise to honor and commemorate Greek Independence Day.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of revolution over the Monastery of Agia Lavra in the Peloponnese, and “Eleftheria i Thanatos,” which means “Liberty or Death.” Mr. Speaker, became the battle cry. This day to start the Greek War of Independence was not chosen by chance because it coincides with the Greek Orthodox Church’s celebration of the Annunciation to the Mother of God. Again, this was not a coincidence because to the Greeks of 1821, Mr. Speaker, the Mother of God was their champion and their protector.

As we all know, the price of liberty can be very high. Socrates, Plato, Pericles, and many other great minds throughout history warned that we must maintain democracy only at great cost. Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past.

Like the American revolutionaries who fought for independence and established this great Republic, Greek freedom fighters began an arduous struggle to win independence for Greece and her people. After four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. This was the 19th century David versus Goliath.

The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It proved to the world that a united people, through sheer will and perseverance, can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution throughout the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great.

I take great pride in both my Greek and American heritage, and each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and early Americans.

□ 1050

As Thomas Jefferson once said:

To the ancient Greeks, we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.

Throughout American history, Greece and her people have stood as a staunch and unrelenting ally of the United States. In 1917, Greece entered World War I on the side of the Allies, as well as when they were invaded in 1940 during World War II. The enemy was then forced to divert troops to Greece to protect its southern flank in 1941. Alongside the American and Allied Forces, Greece played an integral role in defeating the enemies.

I would be remiss if I stood on the floor today and did not also pay homage to the American and Greek soldiers who fought side by side during the Korean War and, most notably, at Outpost Harry. As many of you know, each night the outpost was defended by only a single company of American or Greek soldiers. The Chinese had anticipated an easy capture; however, they did not anticipate the resolve of our soldiers to hold Harry at all costs and, therefore, making withdrawal not an option. Due to Harry’s defense, the enemy ultimately called off their attacks due to the heavy losses suffered. This, ladies and gentlemen, was heroic.

For the first time in United States military history, five rifle companies together—four American and one Greek—would receive the prestigious Distinguished Unit Citation for the outstanding performance of their shared mission.

In expressing his sympathies with Greece revolting its Ottoman rulers, Thomas Jefferson said:

No people sympathize more feelingly than ours with the sufferings of your countrymen, none offer more sincere and ardent prayers to heaven for their success. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

I stand here before you today to commemorate the Greeks who fought against oppression. I stand here before you today to celebrate that day, March 25, 1821. By doing so, we reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHENRY led the Pledge of Allegiance.

MESSAGE FROM THE SENATE

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

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that the Senate concurs in the amendment of the House of Representatives to the bill (S. 2038), “An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.”

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, and Public Law 112–75, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Katrina Lantos Swett of New Hampshire, vice Dr. Don H. Argue.
ANNOUNCEMENT BY THE SPEAKER

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

LOWER THE PRICE OF GASOLINE AT THE PUMP

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

Mr. McHENRY. Mr. Speaker, my constituents in western North Carolina and my neighbors and I are really upset about what’s happening at the price pumps today. We’ve seen out of this administration what we can lower the price at the pumps. That’s what we deserve, and that’s an action that I ask the price at the pumps. That’s what we deserve, and that’s an action that I ask the Administration to take.

What we see out of this administration and what we see out of some extreme environmentalists is an unwillingness to tap our natural resources to relieve the price at the pumps today. We’ve seen out of this administration Syosset. We’ve seen scandal after scandal with this green energy policy lending coming out of the stimulus from a couple of years ago and out of liberal policies in Washington.

What my constituents want to see is real action, that we can lower the price at the pumps. That’s what we deserve, and that’s an action that I ask this administration to take.

REPUBLICAN PLAN TO END MEDICARE

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

Mr. BACA. Madam Speaker, here we go again. This week, the House will vote on yet another Republican plan to end Medicare as we know it.

American’s seniors have given a lifetime of service to our Nation. They deserve better than to be left out in the cold. If it becomes law, the Republican budget will end the Medicare guarantee of secure health coverage for our seniors and replace Medicare with a voucher system that would, instead, give our seniors a premium support payment.

Even worse, the Republican budget gives new tax breaks to millionaires, billionaires, and Big Oil companies. Economists agree the Republican budget plan would destroy 4.1 million American jobs by the end of 2014.

Last year, the American people weren’t fooled by the dangerous and unfair Republican budget. If it didn’t work the first time, it’s not going to work this time.

Let us work together on a bipartisan budget that does not favor the super-rich over seniors and the middle class.

REPUBLICAN BUDGET

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

Mr. SMITH of Nebraska. Madam Speaker, I rise today to discuss the budget, contrasting the Republican plan, which would actually strengthen and extend Medicare, and the President’s plan that would actually maybe allow Medicare to go bankrupt only 2 years later than it would otherwise.

One particular provision in the President’s budget, a cut in reimbursement to critical access hospitals, would endanger access to nearby hospital care for millions of seniors, including those served by the 48 critical access facilities in Nebraska.

However, the Republican budget provides an alternative which ensures access to care without relying on arbitrary cuts. Our plan would also focus future Federal support on those at or near retirement.

Madam Speaker, inaction now will only guarantee Medicare is more problematic in future years. We must act now to ensure it is operating solvent for those who depend on it most.

POSTAL SERVICE FACILITY CLOSURE PROCESS

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

Mr. HIGGINS. Madam Speaker, I rise to express my deep concerns about the postal service’s facility closure process.

Testimony at a recent Postal Regulatory Commission hearing brought to light details of a study kept secret because it projected billions of dollars in losses, despite facility closures. It also revealed mail volume would take a huge hit due to service standard changes.

Yet the postal service has no plans to change its course, further proof that the postal service is operating under an ill-conceived ‘‘decide now, justify later’’ strategy.

The Buffalo Mail Processing Facility recently developed a training session for its post employment that is now the template for a national model. Surprisingly, this facility is scheduled for closing. It doesn’t make any sense.

My colleague GERRY CONNOLLY is asking the postal service to release the full results from the study, and I agree. We should not—and cannot—stand by and watch these facilities close without taking all facts into account.

THE JOB-KILLING EPA MUST BE STOPPED

(MR. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, President Obama’s job-killing EPA is at it again. Last year, the EPA proposed a rule on manganese alloy production that would close down the last two manganese alloy production facilities in Ohio, costing over 500 direct American jobs and thousands of indirect jobs. One of the facilities is in my hometown of Marietta, Ohio.

These manganese alloys are vital raw components to the steel industry and are used in a wide variety of industries, including defense and the automotive industry, just to name two.

The proposed EPA rule would require scientifically unproven and costly process controls to be installed on the two facilities, and the EPA has ignored the warnings that if the proposed rule is finalized it will not be economically feasible for these plants to continue to operate.

Furthermore, if this rule is finalized, American steel companies will be forced to import this vital raw material from China or other foreign sources.

Today I will begin work to my House colleagues to ensure the EPA does not go for with this job-killing rule.

STAND BEHIND OUR VETERANS

(MR. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Madam Speaker, today I rise to bring an important concern to my colleagues. Every one of us here has a sacred commitment to care for those warriors who are willing to serve us overseas, and one of our major concerns is making sure they’re employed when they return home.

What’s alarming is the Department of Defense recently issued a change in their policy that will undermine our ability to do that. I’m referring to the Department of Defense Post-Deployment Mobilization ReviPact Account. This important policy is designed to give our brave warriors sufficient time to transition back into the private sector. PDMRA, as it’s called, is an important tool that gives them that opportunity.

The change by the DOD reduces the number of paid transition days that were promised to our men and women after they deploy to the war zone. Half-way through, for many of them, their third or fourth deployment, DOD is now taking that back when their plans were set this spring when they returned home. While they’re in Iraq and Afghanistan, that is certainly not the right thing to do.

Every single one of us wants to balance the budget and must focus on that, simply not on the backs of veterans and warriors serving this Nation.

I ask my colleagues to join me in asking the Department of Defense to reverse course on this policy, hire our veterans and keep our moral commitment to them.

□ 1210

HONORING DR. JEROL SWAIM FOR 48 YEARS OF SERVICE TO WILLIAMS BAPTIST COLLEGE

(MR. CRAWFORD asked and was given permission to address the House for 1 minute.)
Mr. CRAWFORD. Madam Speaker, I rise today to recognize Dr. Jerol Swaim, president of Williams Baptist College in Walnut Ridge, Arkansas.

After 48 years of service to Williams Baptist, Dr. Swaim has announced his retirement. Although he will no longer be on the campus every day, his influence will certainly be felt there for years to come.

Dr. Swaim started his career at Williams Baptist as a professor of history, government and economics. In 1973, he became academic dean of the college and has also held the titles of vice president for academic affairs and executive vice president. In 1995, he agreed to become the fifth president of Williams Baptist, a role he has filled since that time.

Dr. Swaim is stepping down after presiding over a transformation of the Williams campus. Since the late 1980s, nearly every building on the campus has either been newly constructed or extensively renovated.

Under Dr. Swaim, Williams Baptist has expanded its academic offerings as well as its academic reputation. It broke into the top tier of U.S. News & World Report college rankings in 2010 and climbed in the rankings again this year.

Madam Speaker, today we honor Dr. Jerol Swaim for his 48 years of service to Williams Baptist College and the countless lives he has changed.

RYAN BUDGET IS SHAMEFUL

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

Mr. BUTTERFIELD. Madam Speaker, the Republican budget cuts at least $3.3 trillion from low-income programs over the next 10 years while it increases the defense budget. It reduces taxes to a level that will wreak havoc on the Federal Treasury.

The rate of poverty is at its highest level in nearly 30 years. The Republican budget would increase poverty and exponentially raise the misery index for hardworking American families.

The Ryan budget also wreaks havoc on seniors. The American people must know that this Republican budget—which has been endorsed by all three Republican Presidential candidates—will end Medicare as we know it. Their plan is to get the Federal Government out of the Medicare program. Republicans simply want to provide seniors a small voucher to purchase Medicare in lieu of the Medicare program to low-income families.

Mr. BUTTERFIELD. Madam Speaker, this is an all-out assault on Medicare and our Nation’s middle class.

Who benefits from this Republican budget? Millionaires certainly do. Think Wall Street Bonus Boys. This Republican budget would give them an additional $1.3 trillion—$1 trillion for starters—yet lower and middle class Americans, people making $20,000 to $30,000 a year, get no tax cut at all.

This Republican budget also gives away $3 trillion in tax cuts and benefits to corporations. Republicans’ real priorities: cutting the safety net, giving the superrich a handout, and ignoring the damage to the deficit.

The Republicans would end the promise of Medicare for both current and future beneficiaries by shifting the program to private insurance financed by vouchers. The nonpartisan Congressional Budget Office says that the Republican budget would reduce benefits to seniors and force many to spend much more than they do today.

Why are the Republicans so intent on making seniors sacrifice first? Why not claw back Wall Street’s bonuses?

I urge my colleagues to vote against the Republican budget. Support the Democratic alternative. Protect seniors and our middle class.

MOURING THE LOSS OF POPE SHENOUDA III

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

Mr. SIRES. Madam Speaker, on March 17, the world lost a great spiritual leader, His Holiness Pope Shenouda III. I rise today to join the millions of Coptic Christians in mourning his death.

This past Sunday, St. Mary Coptic Church in East Brunswick, New Jersey, held a very moving memorial service for the Pope. An estimated 1,000 mourners gathered in the cathedral while a thousand more listened to the service in nearby rooms.

There was an outpouring of grief from people of all faiths. Leaders from many religions and sects were in attendance to pay homage to the Pope, including His Grace Bishop David, the Bishop of the Archdiocese of North America.

As we mourn the loss of a great leader and purveyor of faith and religious tolerance, we remember and embrace all that the Pope has done for the Coptic Christian church and for religious diversity around the world. The beloved leader of the Coptic Christian church has provided immeasurable contributions to further promote tolerance and interfaith dialogue in Egypt and serves as an example of how communities of different faiths can live in harmony.

As Egypt continues its transition, Egyptian leaders must work together to uphold the rights of all religious communities in Egypt and end all discrimination.

OBAMA CARES

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

Ms. HANABUSA. Madam Speaker, I read my local paper this morning and read a reference by Richard Borreca, a reporter who said that the Affordable Care Act is known as ObamaCare. At first I cringed because that’s the way Republicans refer to it. But then I thought about it, and you know what? You’re absolutely right; Obama cares.

That’s why we have that law.

Think about what he looked at in 2008 and 2009. There were 50 million people who were uninsured at a cost of $116 billion a year. That could bankrupt any family. But with the Affordable Care Act, think about what you have: women no longer have to be worried about being discriminated against as a preexisting condition; seniors don’t have to worry, they can have preventative care and the doughnut hole will close; youth can be covered under their parents’ plan to the age of 26 and small business can avail themselves of a tax credit.

Yes, Madam Speaker, Obama cares, as do the Democrats.

PUTTING AMERICANS BACK TO WORK

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

Mr. YODER. Madam Speaker, I rise today to again encourage my colleagues to support pro-growth economic policies that can help put Americans back to work.

With over 8 percent unemployment and slow economic growth, many Americans are struggling to pay their bills and provide for their families. Unfortunately, many of the policies coming out of Washington over the past few years have prolonged this economic stagnation and damaged our recovery.

With small businesses creating two out of every three jobs in this country, we need to support policies that keep business taxes down, eliminate costly regulations, and open up new avenues for access to capital. That’s why I’m happy to support the JOBS Act. This bipartisan legislation will help new business formation, open up access to capital, and help new businesses create jobs.

Madam Speaker, let’s work together in bipartisan fashion on the JOBS Act and other legislation, and let’s help put Americans back to work.
REPUBLICAN BUDGET TO END MEDICARE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong opposition to the Ryan Republican budget that will end Medicare as we know it.

Reminiscent of last year, the Republican budget provides tax breaks for the millionaires and billionaires while ending the Medicare guarantees for our seniors, sticking them with the bill for rising costs.

The proposals in the Republican budget lack balance and jeopardize the health and economic security of our Nation’s seniors. The 300,000 Texas seniors, who have saved almost $230 million on prescription drug costs since the Affordable Care Act was signed into law, will be forced back into the prescription drug doughnut hole.

I urge my Republican colleagues to end this attack on our seniors, as they have—largely—been through enough, and we have given the rich too much lee.

THE BUDGET AND MEDICARE

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

Mrs. DAVIS of California. Madam Speaker, as my constituents remind me frequently, seniors have paid into the Medicare system their whole working lives. Seniors have done so with the understanding that, if they work hard and play by the rules, this country will provide for their health care needs during retirement. That is why I am committed to working with my colleagues and the administration to ensure the survival of Medicare, and that is why I strongly oppose the Republican budget.

The Republican budget would end Medicare by transforming it into a voucher program, and it would slash over $1 trillion in benefits over the next decade. So, with far less money in hand, our seniors would become dependent on insurance companies to decide the fate of their health care—insurance companies that could price our seniors out of the market or cut benefits at will. Also, while the Republican budget takes from seniors to cut costs, it gives millionaires an average tax cut of at least—at least and I’ve seen larger numbers—$150,000 in 2014.

Our seniors deserve better. I look forward to a real bipartisan effort to preserve the promise of Medicare for future generations.

REPUBLICAN BUDGET ENDS MEDICARE

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

Mr. LEWIS of Georgia. Madam Speaker, again this year, the Republican budget would end Medicare’s guarantee to our seniors. The Republican budget takes aim at the very heart of our moral obligation to our seniors.

Medicare has been both a blessing and a lifeline for our seniors and the disabled. Our seniors have worked a
lifetime to make our country great, and we will not break our promise that Medicare will be there for them in their retirements. Medicare is at the core of our social compact. It is at the heart of what has made our Nation strong. If we turn Medicare into a voucher program, we will not— we must not—balance our budget on the backs of our seniors.

**J O B S AND THE TRANSPORTATION BILL**

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

Mr. LANGEVIN. Madam Speaker, I rise today in support of the bipartisan, Senate-passed highway transportation reauthorization bill, or MAP–21.

We all know, in this global economy in which we now live, in order to truly be competitive we need to have a 21st century infrastructure to match a 21st century economy, but we’re not there. Our Nation right now, of course, is facing a fragile economic recovery. Nowhere is that more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent.

MAP–21 will help rebuild America’s economy on a stronger, more sustainable foundation. It will provide the financing for critical highways and transit projects, and it will support almost 2 million jobs—9,000 of them right in my home State of Rhode Island. The failure to pass a long-term transportation bill could result in additional job losses, threatening our economic recovery and countless families who are barely getting by as it is.

The Senate has done its job. Now it is time for the House to do the same. Let’s work together on a vote and move forward on the path to rebuilding our roads, our communities, and our economy.

**COMMUNICATION FROM THE CLERK OF THE HOUSE**

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from the Clerk of the House of Representatives:

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

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

Any record vote on the postponed question will be taken later today.

**J U M P S T A R T O U R B I N E S S S T A R T U P S A C T**

Mr. BACHUS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to 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.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

**Senate amendment:**

Strike out section 1 and insert the following:

**TITLE III—CROWDFUNDING**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012” or the "CROWDFUND Act."

**SEC. 302. CROWDFUNDING EXEMPTION.**

(a) Securities Act of 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end of the following:

"(q) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

"(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than $1,000,000;"

"(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed "(i) the greater of $2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the issuer is less than $100,000; and"

"(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of $100,000, if either the annual income or net worth of the issuer is equal to or more than $100,000;"

"(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and"

"(D) the issuer complies with the requirements of section 4A(b)."

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

**SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.**

"(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving a description of securities for the account of others pursuant to section 4(g) shall—

"(1) register with the Commission as—

"(A) a broker; or"

"(B) a funding portal (as defined in section 3(a)(27) of the Securities Act of 1934); and"

"(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);"
under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

```
(1) $100,000 or less;

(2) in excess of $100,000, but not more than $500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures established by the Commission, by rule, for such purpose; and

(3) more than $500,000 (or such other amount as the Commission may establish, by rule), audited financial statements.
```

(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;

(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;

(G) the price to the public of the securities or the method for determining the price, provided that, whenever investor shares are priced and sold at a price below the estimated final price, the issuer shall, prior to sale, provide the investor with a written statement that includes:

(i) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

(ii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of security of the issuer;

(iii) how the securities being offered and being sold were valued, the methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and

(iv) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and

```
(1) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;

(2) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS—

(A) ACTORS AUTHORIZED.—

(1) IN GENERAL.—Subject to paragraph (2), a person who purchases securities in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the cost of securities purchased for such security, with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns such security.

(2) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created for such security. No action under this paragraph shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(3) INCOME AND NET WORTH.—The income and net worth of a natural person or the net worth of a registered investment company as defined in section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title relating to the calculation of the income and net worth, respectively, of an accredited investor.

(c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the "Commission") shall, issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4(7) of the Securities Act of 1933. The Commission shall, or shall cause to be established in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

```

(1) DOLLAR AMOUNTS.—Dollar amounts in sections 4(6)(B) and subsection (d) of section 4(6) shall be calculated in accordance with any rules of the Commission under this title relating to the calculation of the income and net worth, respectively, of an accredited investor.

(d) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the "Commission") shall, issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4(7) of the Securities Act of 1933. The Commission shall, or shall cause to be established in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the "Commission") shall, issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4(7) of the Securities Act of 1933. The Commission shall, or shall cause to be established in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(2) APPLICABILITY.—An issuer shall be liable in an action brought under paragraph (1), if the issuer—

(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and

(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.

```

(3) DEFINITION.—As used in this subsection, the term 'issuer' includes any person who is a director or partner of the issuer, and the principal executive officer, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.

```

(4) INFORMATION AVAILABLE TO STATES—

The Commission shall make, or shall cause to be made, by the relevant broker or funding portal, the information described in paragraphs (1) and (2) available to the securities commission (or an agency or officer of a State insurance commission (or an agency or office performing like functions), or credit unions, a State insurance commission (or any agency or office performing like functions), a State authorizing broker or funding portal, a State performing like functions), a State securities commission (or any agency or office performing like functions), or credit unions, a State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration. For such section—

```
(1) bars the person from—

(aa) association with an entity regulated by such commission, authority, or agency;

(bb) engaging in the business of securities, insurance, or banking; or

(cc) engaging in savings association or credit union activities; and

```

(II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct under section 4(6).''

`
(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(a)), as added by this section, not later than 270 days after the date of enactment of this Act.

SEC. 304. FUNDING PORTAL REGULATION.

(a) EXISTING RULES.

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

''(b) LIMITED EXEMPTION FOR FUNDING PORTALS.—

''(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

''(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

''(B) is a member of a national securities association registered under section 15A, and

''(C) enters into any other requirements under this title as the Commission determines appropriate.

(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—Sections 15B and 15A, the term 'broker or dealer' includes a funding portal and the term 'registered broker or dealer' includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, that a national securities association shall only examine for and enforce against a registered funding portal rules of such association written specifically for registered funding portals.

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(h)) as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

''(b) FUNDING PORTAL.—The term 'funding portal' means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

''(A) offer investment advice or recommendations;

''(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

''(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

''(D) hold, manage, possess, or otherwise handle investor funds or securities;

''(E) enter into other activities as the Commission, by rule, determines appropriate.

SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended by—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

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

''(C) section 4(6);''.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described in section 4(6) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, funding portal, or any other person or entity using the exempted registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking ''such a person' and inserting ''broker, dealer, or other person or entity''.

(i) fraud or deceit; or

(ii) unlawful conduct by a broker or dealer; and

''(B) in connection to a transaction described under section 4(6), with respect to—

''(i) fraud or deceit; or

''(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.'',

(c) NOTICE FILINGS PERMITTED.—Section 18(o)(2) of the Securities Act of 1933 (15 U.S.C. 77r(o)(2)) is amended by adding at the end the following:

''(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), so long as such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term 'State' includes the District of Columbia and the territories of the United States.''.

(d) FUNDING PORTALS.—

(1) STATE EXEMPTION AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) FUNDING PORTALS.—

''(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

''(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to an examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

''(C) DEFINITION.—For purposes of this paragraph, the term 'State' includes the District of Columbia and the territories of the United States.''.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking ''or dealer'' and inserting ''.dealer, or other person or entity''.
a record of generating profits. Many of them are offering new services, new products that have not really found a market or have a small market. And there is a risk involved. So when banks turn those companies down, the other path is for someone to invest in the company that is exactly what that bill does. It offers those companies an opportunity to receive investments, capital investments from individuals who want to participate not only in the risk but in the reward.

With the JOBS Act, start-up companies—like those at the Innovation Depot in Birmingham, Alabama, where there are several start-up companies with new products, services—the JOBS Act will allow those companies and companies throughout the United States, people with new ideas, new services, new products, like a Google of the future or an eBay or an Amazon. Take those companies, they didn’t exist 20 years ago. Now they’re the fastest-growing companies in America. There are other Googles, there are other eBays, there are other Amazons, there are other Costcos, there are other Chick-fil-A’s that are just waiting to come to market.

And yet that reason, I want to commend the Senate, and I want to thank the sponsors of this legislation. Finally, I want to salute this House for coming together when it counted to address the lack of growth in jobs in our small businesses.

There are some signs that hiring is coming back at larger companies, but not at our small businesses and startup companies. There are 2 main reasons for that: The first is regulation—which has a bigger impact on small companies than large companies. The second is capital—it is harder for business startups to get traditional bank financing so they have to rely more on investors and capital markets for financing. The JOBS Act will make it easier for them to access capital, locate investors and go public.

This bill is designed specially to help the type of small business startups and emerging growth companies that you find at places like the Innovation Depot.

We know that small business is the growth engine of our economy. Nearly 65 percent of all new jobs created over the last 15 years were created by small businesses. Yet today, many small companies find it hard to obtain the investments and the financing they need to expand their operations and create jobs. That’s why the JOBS Act removes some of the unnecessary and outdated government barriers to capital formation—so entrepreneurs have more freedom to access capital, hire workers and grow their businesses.

We need to do everything we can to ensure that America remains a country of opportunity, where jobs are created and small businesses flourish without being stifled by costly and unnecessary red tape. The JOBS Act will help foster an environment that allows our small businesses, startups and entrepreneurs to raise the capital needed to get job creation going again.

I’m proud that all 6 bills that make up the JOBS Act originated in the Financial Services Committee and that all 6 received overwhelming, strong bipartisan support. It shows that Republicans and Democrats CAN find common ground and work together when it comes to helping our businesses.

Companies obtain capital through either borrowing, from places like community banks, or through equity financing. Equity financing, in which investors purchase ownership stakes in a company in exchange for a share of the company’s future profit, allows companies to obtain funds without having to repay specific amounts at particular times.

The tightening of credit has made equity financing all the more important as a means of providing small companies with the capital they need to grow and create jobs.

The JOBS Act will make it easier for small companies to access capital through both the public and private markets, which will facilitate economic growth and job creation. For example:

Title 3 of the bill will allow what is known as “crowdfunding”—which will allow groups of investors to pool money, typically comprised of very small investments, and support an effort such as growing a new company like those that are found at the Innovation Depot. Investments would be limited to an amount equal to or less than the lesser of $10,000 or 10 percent of the investor’s annual income.

Before the JOBS Act, the SEC had outdated regulations that prohibited this type of investment.

Title 1 of the JOBS Act will provide smaller to mid-sized private companies with temporary exemptions from several government regulations, which could go public and raise capital needed to expand their business but for the expense associated with complying with them. These companies will have up to a five year timeframe to be on an “On Ramp” to comply with certain regulatory requirements (Section 404(b) of Sarbanes-Oxley or 953(b) of the Dodd-Frank Act). This “On-Ramp” status is designed to be temporary and transitional, encouraging small companies to go public but ensuring they transition to full compliance over time or as they grow large enough to have the resources to subscribe the type of compliance infrastructure associated with more mature enterprises.

A task force put together to study how to help smaller companies found that from 1980 to 2005, firms less than 5 years old accounted for all net U.S. job growth. On average, 92 percent of a company’s job growth occurs after an “initial public offering” (IPO). Since 2006, companies have reported an average of 86 percent job growth since IPO.

Titles 5 and 6 of the JOBS Act would allow private companies to go public and improve access to capital to hire new employees and lend to local businesses to expand.

I reserve the balance of my time.

Mr. HIME. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, I am thrilled to be participating in the management of this debate today and want to start by thanking Chairman BACHUS and thanking my friends on the other side of the aisle for the bipartisan and collaborative spirit with which we moved this legislation.

This is important legislation, but the process by which it moved, I think, is something that we should celebrate. This is a time, of course, when the American people are none too happy with us; but this bill was done collaboratively with the support of the President of the United States, the majority and the minority in the House; and it will be good for our economy. So I thank the chairman for his leadership on this, the ranking member, and all who participated in the creation of this important legislation.

As the chairman said, this is good stuff. It has received the support of entrepreneurs, of industry associations, and of people on both sides of the aisle because it does something very, very important, which is that regulation is always a balance. It’s not always good; it’s not always bad. And one of the duties of legislators and regulators is to make sure that our regulation is finely calibrated to protect us, One day we can protect us from mistakes that we can’t accept us from mortgages that blow up, to keep our air clean, to keep our water clean. But if it’s done in too ham-handed a fashion, it can compromise the vibrancy that provides so much economic opportunity in this country. Every day this institution should be focused on finding that balance, and that’s what this bill is about.

It’s been criticized here and there by people who I think are of the mindset that any tax, any new regulation or amendment to our current regulatory structure is a bad idea. That can’t be the right way to think about this stuff. Regulation, like anything else, has to adapt to change with the times. And what we’re doing here is particularly important because we’re talking about the regulation of small banks which, let’s face it, have a tough time competing against the big banks.

And it’s about our start-up and emerging-growth companies that may not have the free cash flow in their first couple of years of existence to completely adopt all of the regulation, the disclosure that we might expect of a multibillion-dollar corporation. We provided an exception for entrepreneurs as they gain currency, as they increase their revenues, as they become more of a presence—and frankly, therefore, affect the lives of more people—to gradually work into the full regulatory structures of Sarbanes-Oxley and other regulation. And that’s a good thing to do.

Today in Palo Alto, there are companies that might not have made it but for this legislation. In Connecticut and Massachusetts, there are start-up companies for which this legislation is going to make the difference between thriving, as the chairman said—maybe being the next Microsoft or the next...
Google—and actually not making it. So I'm very happy that we have, in a bipartisan fashion, put forward this legislation which will be good for economic vibrancy and opportunity in this country. Again, I thank the chairman for his collaborative and thoughtful work on this bill.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT), the chairman of the subcommittee.

Mrs. BIGGERT. I thank the chairman for yielding.

Madam Speaker, I rise in support of H.R. 3606, the Jumpstart Our Business Startups, or JOBS, Act.

This legislation package includes six bipartisan proposals, many of which I cosponsored, to streamline or eliminate the regulatory and legal barriers that prevent emerging businesses from reaching out to investors, accessing capital, and selling shares on the public marketplace. I believe that it will make it possible for promising new businesses to go public and access financial opportunities that currently are limited to large corporations, and it eliminates needless costs and delays imposed by the SEC to narrower real powers and the jobs that come with it, we need to clear a path for the start-ups and fledgling businesses that bring new goods and ideas into the marketplace.

That's the purpose of H.R. 3606, the Jumpstart Our Business Startups, or JOBS, Act.

Mr. SCHWEIKERT. I thank my friend, Mr. SCHWEIKERT, with whom I've enjoyed working on this legislation and in a spirit of bipartisan cooperation. It's designed to make it easier for small banks, which Congressman SCHWEIKERT and I worked together.

I would also like to highlight the work of Congressman STEVE WOMACK of Arkansas on that bill. It found its way into this legislation under another Congressman's name, but it is important and good legislation, and I continue to support it and am thrilled that it's part of this.

Madam Speaker, I would just take issue with one thing that my good friend from Arizona said. The crowdfunding provisions in this legislation should be subject to scrutiny and to careful regulatory oversight. When you combine the concept of the Internet and retail investors into one piece of legislation, be careful. The Senate amendment to the House crowdfunding provisions in fact adds more protection to small investors who might be subject to being fooled by an Internet predator. And I would just say we should be careful.

We should be careful when we are talking about retail investors, the classic widows and orphans out there that are not necessarily financially sophisticated. They are not the big financial players who get labeled accredited investors or institutional investors and who, frankly, have the capability to handle the legal complexities of the investments who might be subject to the temptations of a deal that in fact is too good to be true offered on the Internet. I think that's why our legislation seeks to be a cause of concern both for this body and for the regulators who ultimately will write the rules around crowdfunding.

With that, I reserve the balance of my time.
Mr. BACHUS. At this time, I yield 1 minute to the chairman of the Subcommittee on Financial Institutions, the gentleman from West Virginia (Mrs. CAPITO), who also worked very hard on this legislation.

Mrs. CAPITO. I want to thank the chairman. I really want to thank the whole Financial Services Committee for working together on this bill, the JOBS bill, Jumpstart Our Business Startups.

Our unemployment in this country is over 8 percent. We’ve got to find and make every means available to create jobs and to give those great ideas to be able to grow from small businesses to large businesses. We want to make sure that our entrepreneurs are able to find the funding to be able to grow those seeds of a business that then could flourish and grow.

When we talk about some of the things that have started in this country as start-ups most recently, we might look at something like AOL or something like Apple or even FedEx when Fred Smith wrote that famous paper in business school that I think didn’t get a very good grade but now has our FedEx. If they hadn’t been able to find the funding to begin, many of them I think today would say that because of the regulatory structure, because of the inability to find funding, that they wouldn’t even be able to get started today and grow to the thousands of jobs that they have.

This has great potential. It’s bipartisan. I support the JOBS Act.

Mr. BACHUS. I yield 3 minutes to an outstanding freshman on our committee, the gentleman from Tennessee (Mr. FINCHER).

Everyone speaking on our side has spent a lot of hard on these bills or spent a lot of time, as have many of our Democratic colleagues.

Mr. FINCHER. Madam Speaker, I would like to again inquire as to the amount of time remaining on our side.

The SPEAKER pro tempore. The gentleman from Connecticut has 14 1/2 minutes remaining.

Mr. BACHUS. I yield 3 minutes to an outstanding freshman on our committee, the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Speaker. I thank the chairman for his leadership and for working with us freshmen the last year, year and a half. I’m pleased to be the lead cosponsor of H.R. 3606, the Jumpstart Our Business Startups Act with Congressman John CARNEY from Delaware. This bill has been a bipartisan effort from the beginning. We all want to get started today and grow to the thousands of jobs that they have.

This has great potential. It’s bipartisan. I support the JOBS Act.

Mr. BACHUS. I yield 3 minutes to an outstanding freshman on our committee, the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Speaker. I thank the chairman for his leadership and for working with us freshmen the last year, year and a half. I’m pleased to be the lead cosponsor of H.R. 3606, the Jumpstart Our Business Startups Act with Congressman John CARNEY from Delaware. This bill has been a bipartisan effort from the beginning. We all want to get started today and grow to the thousands of jobs that they have.

Small businesses and entrepreneurs are the backbone of our Nation and our economy. This bill puts the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation’s entrepreneurs and small businesses need to grow and create jobs. This is about certainty and removing government bureaucratic red tape. Our Nation has seen a decline in small business start-ups over the last few years, which means fewer jobs created for American workers. The best thing our government can do right now to get our economy moving in the right direction is to create an environment where new ideas and start-up companies have a chance to grow and succeed.

Title I of this bill is legislation I introduced with Congressman CARNEY called the Reopening American Capital Markets to Emerging Growth Companies Act. 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 new laws and regulations. This bill would help more small and mid-size companies go public by creating 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 revenue size, to transition to full compliance with new regulations that are expensive and burdensome to new companies. This “onramp” status will allow small and mid-size companies the opportunity to save on expensive compliance costs and create the cash needed to successfully grow their businesses and create American jobs.

In addition, this bill would only require emerging-growth companies to provide audited financial statements for the 2 years prior to registration rather than 3 years, saving many companies millions of dollars. 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-size companies trying to raise capital that have less visibility in the marketplace.

I urge my colleagues to support this bill again, send it to the President to sign, and give small businesses and entrepreneurs the opportunity to create jobs for Americans.

Mr. HIMES. Madam Speaker, I yield myself such time as I may consume and thank my friend from Tennessee for his hard work on this bill of which, as I said in my previous statement, I’m very supportive.

I do want to take the opportunity, though, having heard from the gentleman from Tennessee phrases like “one-size-fits-all regulation” and “bound up in red tape” —I do want to take this opportunity to remind the American people that those are phrases that sound scary: “regulation,” “red tape,” and “one size fits all.” But what we’re talking about here is protection for the American people.

In my previous statement, I made the point that we have to get the balance right; but like everybody else in this Chamber, I woke up a couple of years ago to learn that 11 men were dead on a deep-sea drilling platform in the Gulf of Mexico and an ocean was poisoned, destroying the Gulf. We’ve all seen what happens when you sell exploding mortgages to people who can’t possibly repay them, even though the people who sold those mortgages know that, I come from a district which actually has some of the poorest air quality in the country.

Why do I enumerate these things? Because they are all a failure to regulate to provide a safe and good environment in which we can thrive. Nobody wants to see 11 men killed or a deep-sea drilling platform. Nobody wants to see a return to the notion that anybody should buy an interest-only, reverse-amortizing mortgage that the bankers don’t understand.

So I said it before, I’ll say it again: the balance is key. And I will oppose those who say that more regulation is always the right idea, but I will also stand up, as I have now, and say there is a balance. And the other side needs to recognize that that balance does not come from opposing and labeling “red tape” and “obstructionism” and “one size fits all.”

Mr. BACHUS. Would the gentleman yield?

Mr. HIMES. I yield to my friend from Alabama.

Mr. BACHUS. Let me say this. The gentleman from Connecticut mentioned crowdfunding, and I think that was what gave us more concern than anything else, some of the things he said about the Internet people making an investment being subject to fraud. That is a concern, and the Senate addressed that. But like everybody else in this Chamber, I woke up a couple of years ago to learn that 11 men were dead on a deep-sea drilling platform in the Gulf of Mexico and an ocean was poisoned, destroying the Gulf. We’ve all seen what happens when you sell exploding mortgages to people who can’t possibly repay them, even though the people who sold those mortgages know that, I come from a district which actually has some of the poorest air quality in the country.

So I said it before, I’ll say it again: the balance is key. And I will oppose those who say that more regulation is always the right idea, but I will also stand up, as I have now, and say there is a balance. And the other side needs to recognize that that balance does not come from opposing and labeling “red tape” and “obstructionism” and “one size fits all.”

Mr. HIMES. I yield to my friend from Alabama.

Mr. BACHUS. Let me say this. The gentleman from Connecticut mentioned crowdfunding, and I think that was what gave us more concern than anything else, some of the things he said about the Internet people making an investment being subject to fraud. That is a concern, and the Senate addressed that.

I’d like to stress what they amended was a very small part of this bill that dealt with crowdfunding. It is also important to know that all the antifraud protection, we didn’t take any of that away. But I think we’re getting there. The Senate and the House deliberated with the White House, and we will continue to look at crowdfunding. We’ll see how this goes.

Mr. FINCHER. Madam Speaker, I thank the chairman for his leadership and for working with us freshmen the last year, year and a half. I’m pleased to be the lead cosponsor of H.R. 3606, the Jumpstart Our Business Startups Act with Congressman John CARNEY from Delaware. This bill has been a bipartisan effort from the beginning. We all want to get started today and grow to the thousands of jobs that they have.

This has great potential. It’s bipartisan. I support the JOBS Act.
Carolina (Mr. MCNARY). Again, this is a bill that several Members worked very hard on, and he is very knowledgeable on these bills.

Mr. MCNARY. I thank the chairman, and I appreciate the opportunity to discuss the crowdfunding section of this bill.

One year ago, Oversight Chairman DARRELL ISSA sent a letter with 33 questions to the Securities and Exchange Commission asking them to justify securities laws that restrict capital formation and stunted job growth. It was a letter that really challenged the Commission’s complacency and asked them about these 80-year-old regulations that were modern at the time where the new invention was the telephone and asked them if they had ways to update them.

One question specifically asked Chairman Schapiro if she had considered creating an exemption to enable everyday investors to invest, with reasonable limitations, in unregistered securities issued by start-ups. This is known as “crowdfunding.”

At the time, I was only familiar with crowdfunding—which is a hybrid of microfinance and charitable giving—as a charitable giving. It’s done around the world, with billions of dollars of moneys raised. For example, a local brewery in my home State of North Carolina was able to raise $44,000 on a platform called Kickstarter, NC, that’s done on the charitable side; but with crowdfunding, the success we see on the charitable side can be brought over on the investor side, on the equity side, of capital raising. We recognized the consequences of Dodd-Frank that limit the ability to get lending through traditional means and as a way to promote small business capital formation. Crowdfunding relieves part of that pressure.

In September of last year, after countless meetings, conferences, congressional hearings, and bipartisan negotiation, I introduced the Entrepreneur Access to Capital Act. The bill was simple and direct. It offered a means of capital formation that would forgo costly SEC and State registration if issuers and investors operated within reasonable limitations. Most importantly, the foundation of the legislation upheld investor protections by empowering regulators to prosecute those who participated in securities fraud or deceit. That is preserved.

In the Entrepreneur Access to Capital Act, our focus was on market innovation and investor protection to attract both political parties and well-known market participants to one table. As a result of that bipartisan bill, we had over 400 Members on this floor vote for that bill, the President said he would sign that bill, and we sent it over to the Senate with thousands of market participants saying it was great, and we passed it.

This year, that same language was included as a provision within this legislation, the JOBS Act. Regrettably, just before the House-passed version of the JOBS Act received an up-or-down vote on the Senate floor, a handful of Senators misunderstood the spirit and the promise of crowdfunding, resulting in last-minute changes to the bill.

Our essential framework preserved for crowdfunding what caused it to develop. Recognizing that crowdfunding could create new markets and opportunities for small businesses and start-ups, these misguided Senators simply saw crowdfunding as unregulated activities. This misguided legislation caused them to design a crowdfunding title that is riddled with burdens on issuers, investors, and intermediaries and limits general solicitation and enhances SEC rule-making authority.

But, fortunately, as I said, the basic architecture of the Entrepreneur Access to Capital Act, crowdfunding, that bipartisan measure that we took through committee markup and House floor action, is preserved. Although I’m disappointed by the ill-conceived and burdensome changes within the crowdfunding title of this bill, I stand committed to working with the aisle to make sure that we fix this after the President signs it. That’s what we intend to do.

I urge my colleagues to vote for this bill and move forward.

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

I salute Mr. MCNARY, my friend from North Carolina, for his work on this bill.

I think it’s probably worth talking a bit more about crowdfunding. I appreciate the chairman’s point of view, but let’s be clear here that we are talking about marketing done at retail investors, up to $10,000 more.

Mr. MCNARY called the Senate activity ill-conceived and burdensome. We are at the nexus here of potentially unsophisticated investors and people who see an opportunity.

I would remind Mr. MCNARY in citing a charitable background for this bill, when you give to a charity, you know you’re not getting your money back. When you invest in a company, you hope you’re getting your money back. And we should be vigilant that that, in fact, occurs.

With that, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, we have the right to close. So I would ask the gentleman from Connecticut to proceed. Could I inquire as to time.

The SPEAKER pro tempore. The gentleman from Alabama has 2 minutes remaining, and the gentleman from Connecticut has 10 minutes remaining.

Mr. HIMES. Madam Speaker, in closing, let me again reiterate my thanks to Chairman BACHUS and to all of the members of the Financial Services Committee who worked hard on this bill.

I think we’ve had a lot of good debate around very real and important issues. Unusual for this institution is that we’ve actually managed to keep the ideology and the barbs out of it. I’m very appreciative of that, and I know that the American people are as well.

I appreciate coming, as I do, from a district and a State that will rise or fall on our ability to renovate and grow small businesses into real world leaders, and to have a financial services sector which is vibrant and innovative, but safe.

I must much appreciate the intent of this legislation. We had good support from both sides of the aisle. The President is supportive. We heard from industry associations that this was a good thing.

With that, I encourage all of the Members of this body to support this legislation.

I thank again the chairman and the ranking member of the committee and yield back the balance of my time.

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

Let me say this: during this debate, we focused on crowdfunding, but I think we’re all in agreement that this bill is a great improvement, and we will revisit that shouldn’t distract from the fact that this is a major piece of legislation that will cause, I think, a great deal of new competition, innovation of new products and services.

In my revised remarks, which I intend to submit in the next week, I will highlight biomedical research, which we think has the potential to address some diseases that are rare diseases or degenerative conditions which would really receive a boost from this.

So I commend all of our Members. We’ve come together here, and we’ve accomplished great things, along with the Senate, the House, and the administration.

I yield to the gentlelady from Illinois.

Mrs. BIGGERT. Madam Speaker, the proposals contained in the JOBS Act are not political or partisan, as has been mentioned. It comes from the small business community in districts like mine where I meet regularly with local employers who tell me that accessing capital is the hardest part of enduring the current recession.

Many of these changes in this bill have bipartisan backing and have been endorsed by members of the President’s Council on Jobs and Economic Competitiveness.

Today’s legislation will enable America’s start-up companies—the job engines of our economy—to access the equity markets, not just the debt market. This is a bill that will give investors and emerging growing companies—perhaps a future Google, Apple, or Home Depot—the opportunity to reach investors, cut through the red tape, and overcome the financial barriers to success.

I ask my colleagues on both sides of the aisle to support the bill.
Mr. BACHUS. Madam Speaker, I yield back the balance of my time.

Mr. NADLER. Madam Speaker, I rise in opposition to the Motion to Concur with the Senate Amendment to H.R. 3606, the Jumpstart Our Business Startups, JOBS, Act.

Many of us agree with the general principle that we should modernize the financial system to help small businesses raise capital, attract investors, and contribute to our economic recovery. However, this must be done in a balanced way that also protects those investors and the public interest. I had hoped that the Senate would have an opportunity to bolster the bill with key consumer- and investor-rights provisions—provisions that had no chance of passage in this House. While the Senate certainly strengthened the proposal, the Senate Amendment to H.R. 3606 does not go far enough to ensure that investors will be protected from unscrupulous actors.

Since the bill was introduced, numerous experts and organizations, including the current and former chairmen of the Securities and Exchange Commission, Americans for Financial Reform, AARP, and the Consumer Federation of America, have raised significant concerns about this legislation. According to the New York Times, many fear the bill will allow companies to raise money without having to follow rules on disclosure, accounting, auditing and other safeguards. The deregulation measures in this bill could actually raise the cost of capital by harming investors and impairing markets, making it harder for legitimate companies to thrive. In addition, the bill will allow certain companies to ignore, for the first five years that they are public, certain regulations, such as the requirement to hire an independent outside auditor to attest to a company’s internal financial controls. Also, recent experience clearly shows that arguments that experience clearly shows that arguments that the market will have sufficient incentive to police itself have led to disaster in the recent past and cannot be relied upon in the future.

Moreover, the bill will allow companies to raise money without having to follow rules on disclosure, accounting, auditing and other safeguards. The deregulation measures in this bill could actually raise the cost of capital by harming investors and impairing markets, making it harder for legitimate companies to thrive. In addition, the bill will allow certain companies to ignore, for the first five years that they are public, certain regulations, such as the requirement to hire an independent outside auditor to attest to a company’s internal financial controls. Also, recent experience clearly shows that arguments that experience clearly shows that arguments that the market will have sufficient incentive to police itself have led to disaster in the recent past and cannot be relied upon in the future.

As a result, all efforts should be made to add adequate consumer and investor protections, and the growing importance of economic engine. The FCC should strive to be the most open and transparent agency in the Federal Government, and any intervention into the marketplace should be the result of rigorous analysis demonstrating the need for government regulation.

As a result, all efforts should be made to add adequate consumer and investor protections, and the growing importance of economic engine. The FCC should strive to be the most open and transparent agency in the Federal Government, and any intervention into the marketplace should be the result of rigorous analysis demonstrating the need for government regulation.
agency’s ability to set conditions on transactions relating to corporate mergers and acquisitions.

The legislation would require the FCC to be more transparent and methodical in determining whether to intervene on communications marketplace in dealing with customers and regulated parties, and in reviewing transactions.

Customers, small businesses, and outside-the-beltway stakeholders, in particular, do not have the regulatory lawyers needed for rush review of proceedings. The only way to get their input is to give them time to provide feedback on well-delineated proposals.

Before it starts intervening, the FCC should make sure it has a full understanding of the state of competition and current technologies. By requiring the FCC to be more transparent, to find a market failure before proposing regulations, and to conduct cost-benefit analyses before adopting rules, H.R. 3309 helps promote jobs, investment, and innovation in one of the few sectors still firing on all cylinders in this economy.

In particular, the bill prohibits the FCC from imposing on parties to cost concessions, such as network neutrality obligations, as a condition of approving their mergers. Such conditions are typically unrelated to the specifics of the transaction and involve requirements the FCC otherwise lacks the power to justify or legally authorize. They also chill transactions that might otherwise advance the economy, and impose unnecessary costs on businesses.

The bill requires the FCC to survey the marketplace through a notice of inquiry before proposing new rules that would increase costs for customers and businesses; to establish the specific text of proposed rules before their consideration so the public and industry know what is being considered and have adequate information to provide input, much as House leadership has adopted in the layover requirement for the bills that we now hear on the floor; to identify a market failure or customer harm and conduct a cost-effective analysis before adopting economically significant rules that cost more than $100 million; to set the shot clock and schedules for issuing decisions and to report to Congress on how well it is abiding by them so the public and industry know when issues will be resolved; and to conduct performance measures to evaluate the effectiveness or ineffectiveness of a program that costs more than $100 million.

These proposed process reforms are not radical, nor are they an attempt to cripple the FCC, as some opponents of the legislation have claimed. Instead, this legislation seeks to pull back the curtain on bureaucratic regulation of a sector in our economy that has provided high-tech innovation and investment, and the high-quality jobs that come with it, despite the economic downturn.

So, once again, Madam Speaker, I rise in support of the rule and the underlying legislation. I encourage my colleagues to vote “yes” on the rule and “yes” on the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I have a good friend from Florida for yielding the time to me, and I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act. There may be beneficial provisions in the underlying legislation to make the FCC’s processes more transparent and more efficient.

I do suggest that the FCC has made great strides in this regard under the leadership of Chairman Genachowski, and certainly more can be done. But the fact remains that my friends on the other side of the aisle have squandered important opportunities in this process to walk the talk.

Now, last night an amendment was offered by my good friend and colleague, Congressman ANNA ESCHOO, to require FCC disclosure of spending on political advertisements, which was opposed in committee that made in order to go forward today.

Recent Supreme Court rulings, especially the Citizens United case, have opened the door for unlimited spending by wealthy entities aiming to influence the electoral process. These individuals, organizations, and corporations have the financial resources to reach millions of Americans through cable, broadcast television, the radio, and other media.

Unfortunately, Americans do not yet have the right to know who is paying for these efforts. Under current law, Americans have no way of knowing whether an advertisement urging them to vote for a certain candidate or support certain legislation is being done at the behest of someone who stands to make a lot of money from that candidate or the bill.

That’s no way to run a country. That’s no way to hold an election. And that’s no way to run a government.

Since Citizens United, our government is less like a democracy and more like a mystery. I firmly support the Eschoo amendment and ask all of our colleagues to do so. It aims to provide some clues by requiring the disclosure to any individual or corporation that contributes $10,000 or more for the purpose of airing political programming in an election cycle.

This amendment is modeled after the DISCLOSE Act, sponsored by my friend and colleague, Congressman CHRIS VAN HOLLEN, of which I am a proud cosponsor. Both these measures educate voters by disclosing who is donating money to influence the electoral process. It is as simple as that: transparency, accountability, and democracy.

Yet some of my Republican colleagues continue to be baffled as to why the American people will want to know who is trying to influence them. Last night in the Rules Committee, my good friend from Georgia (Mr. WOODALL) was indicating his motions regarding this. I said to him that if we wish to give all of our colleagues and to all Americans, that the day somebody shows up with $500, you would be interested to know, if they are opposed to you, who they are.

So the question remains: Why do some Republicans oppose these efforts now?

Madam Speaker, we know full well about some of the biases that some Republicans have in favor of the wealthiest Americans. When they’re not trying to eviscerate social safety net programs—as I suggested in the Rules Committee, and in 40 minutes we will be taking up the proposed budget that does just that—to make room for tax cuts for the well off in our society, it appears that Republicans are eager to allow the richest Americans to hijack the electoral process. Because that is what is about to happen, and it is and will forever be hijacked.

When vast sums of money are used to influence the democratic process, the voices of those who do not have such resources get drowned out. When influence is allowed to remain in the shadows, suddenly we find that the wealthiest interests in this country are the ones driving the bus, the train, the plane, and the rest of us do not know where the stops are.

This amendment, along with the DISCLOSE Act and similar efforts, aims to provide Americans with the basics of who is spending how much on what. It does not impose any new obligations on broadcasters or providers; it does not hold broadcasters and providers liable for inaccurate information; and it does not take action with respect to posting this information online. This is a simple disclosure requirement. It benefits all Americans. It is good for our democracy.

Quite frankly, I think that a commendable thing occurs when many of the amendments are made in order. In this particular instance, I’m especially pleased that my colleagues made the Eschoo amendment in order.

I reserve the balance of my time.

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

Mr. HASTINGS of Florida. Madam Speaker, I’m very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Thank you for yielding.

I rise to urge Members to vote against the previous question.

Now, why would we do that? Because we need to invest in America’s crumbling infrastructure, and the Republicans are totally incapable of producing a transportation bill.

Here’s a little bit of review of history.
February 8, 2011, Chairman MICA: We will have a bill by August.
Then we skip forward a little bit, August, Chairman Mica: I will agree to one additional highway program extension—meaning they didn’t get the bill done by the time I may consume. If Mr. BISHOP would be here, but in light of the fact—

Then we fast-forward to November. Speaker BOEHNER: House to pass highway bill this year.
That was, of course, November 2011. It’s 2012. Now the Republicans are saying they need another 90 days to get agreement in their own caucus. They’re never going to get agreement. There are 80 Members of the Republican caucus who believe that there is no Federal interest—get this—no Federal interest in the national transportation system. It should devolve to the 50 States, back to the good ol’ days when Kansas built the turnpike and Oklahoma didn’t, and the cars were launched off the end of the turnpike into a farmer’s field for another 5 years until they got around to it. Let’s go back to those good old days.

They also say they don’t want to create jobs. This won’t create jobs, the Speaker has said. Well, guess what? Transportation investment is the best way to create jobs. Made-in-America jobs: transit equipment made in America, steel made in America, construction jobs by Americans for Americans for our future. They can’t get it done. No more 90-day extensions or whatever they’re doing around now. They’ve got the throttle on the floor and they’re spinning doughnuts, but they’ve run out of gas.

So it’s time to act. What we need to do is defeat the previous question, bring up the bipartisan, Senate-passed transportation bill, which half of the Republican Senators—some of the members of the Flat Earth Society even voted for. Bring that bill up here—we can get the votes on this side of the aisle—and pass it and put America back to work.

Mr. WEBSTER. Madam Speaker, I’d like to inquire if the gentleman from Florida has any more speakers because I am prepared to close.

Mr. HASTINGS of Florida. I appreciate my colleague for asking. I was hoping that Mr. Bishop from New York would be here, but in light of the fact that he is not, I’m prepared to close.

Madam Speaker, I yield myself such time as I may consume. If Mr. Bishop does arrive, then perhaps I would use some of my time to yield to him.

We all know that this legislation is never going to pass the Senate, and so this exercise remains just that, an exercise.

Republicans claim to be in favor of reducing the size of government, but this bill will require the FCC to hire 20 additional staff at a cost of $26 million over 5 years just to handle all the additional work created.

Rather than focus on stimulating the economy, funding infrastructure investments, and improving our democracy, my friends on the other side insist on devoting time and energy in a pursuit that is never going to go beyond this Chamber.

Rather than support transparency and our democratic process, my friends on the other side want to shield the best of our society and corporations from having to do the financial influence on the political process. And rather than work with Democrats to craft comprehensive, bipartisan legislation that can pass the House and Senate, Republicans would rather see their partisan bills die than allow a compromise measure to live. I would say that I’m appalled, Madam Speaker, but this kind of thing seems to happen all the time around here.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up H.R. 14, the House companion to the bipartisan Senate transportation bill and to discuss our proposal, but before that, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. HASTINGS for yielding, and I apologize for my tardy arrival on the floor. As Young Berners are often said, it’s déjà vu all over again. Here we are a week later and we still have not addressed the imminent expiration of our highway programs.

As we witnessed with the implosion of H.R. 7 six weeks ago, we once again saw last night the inevitable result of the Republican mantra: My way or the highway. Last night, House Republicans were forced to remove from floor consideration their short-term extension bill, in part because they absolutely refused to reach out to their Democratic colleagues to get anything done. Meanwhile, I have sponsored the Senate bill, MAP–21—now called H.R. 14 here in the House—a bipartisan path forward that makes meaningful reforms and provides certainty to States.

I’m proud to be offering this bipartisan legislation to refocus the discussion on jobs and economic opportunities rather than the Republican message this week of tearing down Medicare and protecting the 1 percent at the expense of middle-class families.

As of today, House Republicans have yet to put forward a credible highway reauthorization that puts Americans back to work. Their only attempt, H.R. 7, which is the Boehner-Mica authorization, was called the worst highway bill ever by United States Department of Transportation Secretary LaHood, who is a former Republican Member of this body. It was drafted in the dark of night without Democratic input. It removed transit, the transit guarantee, from the highway trust fund, and it couldn’t attract a single Democratic vote or even a majority of Republican votes.

MAP–21 passed overwhelmingly in the Senate with a bipartisan majority, a vote of 74–22, and it is fully paid for—something House Republicans seem unable to come close to. MAP–21 pay-fors are less controversial than the House Republican bill. The Senate has estimated that MAP–21 will save 1.8 million jobs and will create up to 1 million more jobs. Due to a weak economic recovery that’s looking for a jump-start, this is the kind of bill we need to be passing and passing as quickly as we possibly can.

Is MAP–21 the silver bullet to our surface transportation needs? No, but there is no silver bullet when it comes to our infrastructure needs.

We all would prefer a 5-year bill, but we need to get a bill passed. MAP–21, H.R. 14, is the path forward. I would urge my Republican colleagues to bring that bill to the floor so that we can vote for it in a bipartisan fashion and send it to the President.

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I urge my colleagues to vote “no” and to defeat the previous question.
Mr. HASTINGS of Florida. Madam Speaker, I urge my colleagues to vote “no” and to defeat the previous question.
Mr. WEBSTER. I yield myself the balance of my time, and will get back to the issue at hand.

This is not necessarily a highway bill, but it does talk about a highway, one which is much faster than the ones we drive on. It is hard to imagine a world without a high-speed wireless Internet service. It is hard to imagine staffs walking down the hallways carrying some sort of devices that they’re communicating with others on, and usually their hands are glued to them.

Communications and technology innovations over the past several years have made us a more connected world. In some instances, the new global connectedness has brought us even closer together, allowing us to share in similarities and differences between our peers in distant cultures. It has given us a chance to marvel at the world’s great athletes on the grandest stages, and in some cases it has exposed the atrocities of war, intolerance, and disregard for human life. We want our innovations to continue and our inventors to keep inventing. In the communications and technology fields they have, and they continue to amaze us with new breakthroughs every day.

This bill simply pulls back the curtain on the FCC, the agency charged with regulating the communications and technology fields. It asks them to institute common-sense reforms to better keep the public informed on their actions. It requires the Commission to rigorously
examine the marketplace before intervening; to give increased time for public input and comment; and to increase transparency while approving new rules and amendments. These process reforms are simply good government, and they should be embraced in a non-partisan fashion.

I ask my colleagues to join me today in voting in favor of this rule and the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 595 OFFERED BY Mr. HASTINGS OF FLORIDA

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

Sec. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text of the bill (H.R. 14) to reauthorize Federal-aid highway and highway safety construction programs, 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 concluded; and the bill may be read for the purpose of adopting the amendment, subject to the time rules and amendments. These process reforms are simply good government, and they should be embraced in a non-partisan fashion. The previous question on the resolution. The Speaker, pursuant to the rules of the House and the instructions of the Committee of the Whole, resolved into the Committee of the Whole for further consideration of the bill.

Sec. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

The text contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. It is a vote on whether the House should debate the rule. A vote to order the previous question is a vote against the Republican majority agenda and a vote to allow the opposition at least for the moment, to offer an alternate plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives (VI, 308-311) describes the vote on the previous question as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat 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 “evidence to sustain the demand for the previous question passes the demand of the resolution to the opposition.”

In order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a question on the rule. The Speaker read from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition. Because the 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 allow an immediate vote on adopting the resolution . . . (and) has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen 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 withhold the time, the vote on the previous question can be an effective means 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.”

In Deschler’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 (a special rule reported from the Committee on Rules) that the House has ordered to the rule and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to 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 has policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WEBSTER. I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. HASTINGS of Florida, Madam Speaker, on that I discontinue the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this closing vote on the previous question will be followed by 5-minute votes on adoption of House Resolution 595, if ordered; suspension of the rules with regard to H.R. 3606; and suspension of the rules with regard to H.R. 2938, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 13, as follows:

[Roll No. 130]
Providing for the Consideration of H.R. 3309, the Federal Communications Commission Reorganization Act of 2012

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

There was no objection.

The SPEAKER pro tempore. The question is on the resolution. The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

Recorded Vote

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

The vote was taken by electronic device, and there were—ayes 242, noes 177, not voting 12, as follows:

[Roll No. 131]

NOT VOTING—13


March 27, 2012

Mr. WILSON of Florida. Madam Speaker, on rollcall No. 130, I had been present, I would have voted "nay."
the vote on the motion to suspend the rules and concur in the Senate amendment to 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 bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 41, not voting 10, as follows:

[Roll No. 132]

***YEAS—380***

Ackerman
Adams
Aderholt
Altman
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Batson (GA)
Bass (CA)
Bass (NY)
Bash
Berkley
Biggert
Bilirakis
Bilirakis
Bingham
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonamici
Bono Mack
Boren
Boehlje
Boustany
Braley (IA)
Brooks
Brown (GA)
Brown (TX)
Buchanan
Buescher
Buerkle
Burgess
Burton (IN)
Butler
Calvert
Camp
Campbell
Canseco
Cantor
Caspodistrias
Chabot
Chaffetz
Christie
Cicilline
Cicilline
Cleaver
 Clyburn
Coble
Coffman (CO)

![1417](https://example.com/image)

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:
Mr. MILLER of North Carolina. Mr. Speaker, on rollcall No. 132 for H.R. 3606, I inadvertently voted “yea” but my intention was to vote “nay.”
A motion to reconsider was laid on the table.

Stated for:
Mr. HUIZENA of Michigan. Mr. Speaker, on rolle call No. 133, had I been present, I would have voted "aye."
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4239) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law authorizing such programs, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 4239

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Surface Transportation Extension Act of 2012".

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2012 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2011, Part II (title I of Public Law 112–30) for the period beginning on October 1, 2011, and ending on March 31, 2012.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; reconciliation of funds; table of contents.

TITLES I—FEDERAL-AID HIGHWAYS

SEC. 101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 111 of the Surface Transportation Extension Act of 2011, Part II (Public Law 112–30; 125 Stat. 343) is amended—

(1) by striking "the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "the period beginning on October 1, 2011, and ending on June 1, 2012;"

(2) by striking of each place it appears and inserting 

"for fiscal year 2006"; and

(3) in subsection (a) by striking "March 31, 2012," and inserting "June 1, 2012;".

(b) USE OF (c)(5)(B)(i) OF THE SURFACE TRANSPORTATION EXTENSION ACT OF 2011.—Part II (125 Stat. 343) is amended by striking "$319,500,000" and inserting "$400,000,000.

(c) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking "the period beginning on October 1, 2011, and ending on March 31, 2012." and inserting ""the period beginning on October 1, 2011, and ending on June 1, 2012;"

(2) by striking of each place it appears and inserting 

"for fiscal year 2006"; and

(3) in subsection (a) by striking "March 31, 2012," and inserting "June 1, 2012;".

(d) ADMINISTRATIVE EXPENSES.—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346) is amended by striking "2⁄3" and inserting "2⁄3".

SEC. 201. EXTENSION OF FEDERAL-AID PROGRAMS.

(a) IN GENERAL.—Section 111 of SAFETEA–LU (119 Stat. 1519) is amended by striking "$25,000,000 for fiscal year 2006" and all that follows through the period at the end and inserting "$38,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012;"

(b) CHARACTER 4 HIGHWAY SAFETY PROGRAMS.

SEC. 202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) IN GENERAL.—Section 111 of SAFETEA–LU (119 Stat. 1520) is amended by striking "$7,000,000 for fiscal year 2009" and all that follows through the period at the end and inserting "$7,000,000 for fiscal year 2009" and all that follows through the period at the end and inserting 

"for fiscal years 2009 through 2011 and 

"$19,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012;"

(b) ADMINISTRATIVE EXPENSES.—Section 111(h)(4)(H) of SAFETEA–LU (119 Stat. 1520) is amended by striking "$162,762,667 for the period beginning on October 1, 2011, and ending on June 1, 2012;"

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1520) is amended—

(1) in paragraph (1) by striking "2011 and 2012," and inserting "2011 and 2012;"

(2) in paragraph (2) by striking "2011 and 2012," and inserting "2011 and 2012;"

(3) in paragraph (3) by striking "2011 and 2012," and inserting "2011 and 2012;"

(4) in paragraph (4) by striking "2011 and 2012," and inserting "2011 and 2012;" and

(5) in paragraph (5) by striking "2011 and 2012," and inserting "2011 and 2012."
1, 2011, and ending on March 31, 2012." and inserting "2011 and $2,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.".

(b) PRIORITIZED ACTIVITIES.—Section 3110(k)(2) of title 49, United States Code, is amended by inserting "and $10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(c) NEW ENTRANT AUDITS.—Section 3114(g)(5)(B) of title 49, United States Code, is amended by inserting "2011 and $2,000,000 to the Federal Motor Carrier Safety Administration, and $2,000,000 to the National Highway Traffic Safety Administration, for the period beginning on March 31, 2012," and inserting "2011 and $2,000,000 to the Federal Motor Carrier Safety Administration, and $2,000,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 1, 2012."

(d) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1714) is amended by striking "(A) Sections 135 and $500,000 to the Federal Motor Carrier Safety Administration, and $2,000,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 1, 2012")" and inserting "(A) Sections 135 and $773,333 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1746) is amended by striking "(1) in paragraph (2) by striking "$200,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(b) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1738) is amended by striking "(b) in paragraph (3)," and inserting "(b) in paragraph (3), and (d) in paragraph (4),".

(i) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL–STATE RELATIONS.—Section 4212(d) of SAFETEA–LU (49 U.S.C. 17410 note; 119 Stat. 1759) is amended by striking "March 31, 2012" and inserting "June 1, 2012."

(j) DINGELL–JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell–Johnson Sport Fish Restoration Act (16 U.S.C. 777cc) is amended—

(1) in subsection (a) by striking "2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,"; and

(2) in the first sentence of subsection (b)(1)(A) by striking "2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012."

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking "2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting "SPECIAL RULE FOR FISCAL YEARS 2011 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.

(2) in subparagraph (A) by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and during the period beginning on October 1, 2011, and ending on June 1, 2012."; and

(3) in subparagraph (B) by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and during the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309m of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting "CAPITAL INVESTMENT GRANTS.

(B) in the matter preceding subparagraph (i) by striking "2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and during the period beginning on October 1, 2011, and ending on June 1, 2012."

(2) in paragraph (6)—

(A) in subparagraph (B) by striking "2011 and $7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and $10,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012."

(B) in subparagraph (C) by striking "2011 and $2,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and $3,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012."

(3) in paragraph (7)—

(A) in subparagraph (A) by striking "2011 in the matter preceding clause (i) by striking "2011 and $5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and $10,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012."

(B) in subparagraph (B) by striking "for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(C) in subparagraph (C) by striking "for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(D) in subparagraph (D) by striking "for each fiscal year and $500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "for each fiscal year and $666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(E) in subparagraph (E) by striking "(G) $10,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "(G) $10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 304. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5339(g) of title 49, United States Code, is amended to read as follows:

"(a) $10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.

(b) $1,000,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.

(c) $5,573,710,028 for the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5311(c)(1)(G) of title 49, United States Code, is amended to read as follows:

"(c) $10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 306. AUTHORIZATIONS FOR PUBLIC TRANS. PORTATION.

Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (A) and inserting "(A) FORMULA AND BUS GRANTS.—Section 5307(b) of title 49, United States Code, is amended—

"(G) $5,573,710,028 for the period beginning on October 1, 2011, and ending on June 1, 2012."

(2) in subparagraph (B) by striking "(A) in subparagraph (A) by striking "$133,500,000 for each of fiscal years 2009 and"
2010, $133,500,000 for fiscal year 2011, and
$56,750,000 for the period beginning on Oc-
tober 1, 2011, and ending on June 1, 2012,”
and inserting “$133,500,000 for each of fiscal
years 2009 through 2011, and $75,666,667 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;

(K) in subparagraph (K) by striking “in fis-
cial year 2006” and all that follows through
“March 31, 2012,” and inserting “for each of
fiscal years 2006 through 2011 and $2,333,333
for the period beginning on October 1, 2011,
and ending on June 1, 2012,”;

(L) in subparagraph (L) by striking “in fis-
cial year 2006 and all that follows through
“March 31, 2012,” and inserting “for each of
fiscal years 2006 through 2011 and $166,666,667
for the period beginning on October 1, 2011,
and ending on June 1, 2012,”;

(M) in subparagraph (M) by striking “$465,000,000 for each of fiscal years 2009 and
2010, $965,000,000 for fiscal year 2011, and
$2,333,333 for the period beginning on Octo-
ber 1, 2011, and ending on March 31, 2012,”
and inserting “$465,000,000 for each of fiscal
years 2009 through 2011, and $310,000,002 for
the period beginning on October 1, 2011,
and ending on June 1, 2012,”;

(N) in subparagraph (N) by striking “$6,800,000 for each of fiscal years 2009 and
2010, $8,800,000 for fiscal year 2011, and
$4,000,000 for the period beginning on October
1, 2011, and ending on March 31, 2012,” and
inserting “$6,800,000 for each of fiscal years
2009 through 2011, and $656,000 for fiscal year
2011, and $11,100,002 for the period beginning
on October 1, 2011, and ending on June 1, 2012,”;

(E) in subparagraph (E) by striking “$984,000,000 for each of fiscal years 2009 and
2010, $984,000,000 for fiscal year 2011, and
$492,000,000 for the period beginning on Octo-
ber 1, 2011, and ending on March 31, 2012,”
and inserting “$984,000,000 for each of fiscal
years 2009 through 2011, and $656,000,003 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;

(F) in subparagraph (F) by striking “$133,500,000 for each of fiscal years 2009 and
2010, $133,500,000 for fiscal year 2011, and
$65,750,000 for the period beginning on Octo-
ber 1, 2011, and ending on March 31, 2012,”
and inserting “$133,500,000 for each of fiscal
years 2009 through 2011, and $65,750,000 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;

(G) in subparagraph (G) by striking “$465,000,000 for each of fiscal years 2009 and
2010, and $984,000,000 for the period beginning on Oc-
tober 1, 2011, and ending on March 31, 2012,”
and inserting “$984,000,000 for each of fiscal
years 2009 through 2011, and $656,000,003 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;

(H) in subparagraph (H) by striking “$164,500,000 for each of fiscal years 2009 and
2010, $164,500,000 for fiscal year 2011, and
$62,250,000 for the period beginning on Octo-
ber 1, 2011, and ending on March 31, 2012,”
and inserting “$164,500,000 for each of fiscal
years 2009 through 2011, and $109,666,667 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;

(I) in subparagraph (I) by striking “$92,500,000 for each of fiscal years 2009 and
2010, $92,500,000 for fiscal year 2011, and
$46,250,000 for the period beginning on Oc-
tober 1, 2011, and ending on March 31, 2012,”
and inserting “$92,500,000 for each of fiscal
years 2009 through 2011, and $61,666,667 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;

(J) in subparagraph (J) by striking “$26,900,000 for each of fiscal years 2009 and
2010, $26,900,000 for fiscal year 2011, and
$13,450,000 for the period beginning on Oc-
tober 1, 2011, and ending on March 31, 2012,”
and inserting “$26,900,000 for each of fiscal
years 2009 through 2011, and $17,933,333 for
the period beginning on October 1, 2011, and
ending on June 1, 2012,”;
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

My colleagues and Mr. Speaker, this is a 60-day extension that has been agreed to by our leadership and negotiated with the other side of the aisle. I believe it will ensure the surface transportation programs at the Department of Transportation will continue to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.


Hon. John Mica, Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Dear Chairman Mica, I am writing concerning H.R. 4239, the "Surface Transportation Extension Act of 2012," which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code, Title IV of this bill amends the Internal Revenue Code of 1986 by extending the current passenger rail trust fund expenditure authority and the associated Federal excise taxes to June 1, 2012. However, in order to expedite this legislation for floor consideration, the Committee will forego action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with a vote of 74–22, with Senators BOXER and INHOFFE leading the way across the ideological spectrum. The simple solution is a 60-day extension that has been agreed to by our leadership and the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body this week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

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

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.

So with that, I urge a "yes" vote on H.R. 4239, as amended, and I reserve the balance of my time.

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s "my way or the highway" approach to legislating. There was no negotiation with the other side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. We must begin to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, ensuring some reliability in transportation programs from this Federal level.
transportation of people and goods. The ceaseless flow of information throughout the Republic is matched by individual and commercial movement over a vast system of infrastructure—crescendos of commerce wending across the country and joining at our national borders with friendly neighbors to the north and south.

Promoted by a Republican President and passed by a Democratic-controlled Congress, America sought greatness as it embarked on the construction of the Interstate Highway System of 1956; and America achieved it, creating a transportation system that was once the envy of the world.

Yet H.R. 7 represents a full-scale retreat from that dynamic vision set forth 56 years ago. It mortgages America’s future at subprime rates. It bankrupts the highway trust fund and endangers the future long-term integrity of transportation programs. It destroys American jobs at the time when legions of Americans are desperately seeking work and are trying to make ends meet. It is the wrong direction for America.

This day should be a day of glory. It should be a day in this body displays the courage and conviction necessary to address the pressing transportation needs of this Nation. Instead, it is a day of shame. It is a day when we are about to turn back the clock nearly half a century on America’s greatest achievement to date. It’s a day when we have done to grow our Nation, to build a thriving economy, and to lead the global market.

Unlike the House bill, which slashes funding and destroys 550,000 jobs, the other body’s bill continues current funding levels, sustaining approximately 1.9 million jobs. Under the Senate bill, the States will receive $3.8 billion more in highway construction funding than the House bill over the course of 2 years.

The Senate bill eliminates many of the gaping loopholes in current law—so-called “Buy America” requirements—loopholes that are being exploited by foreign competitors, like China, who are stealing American jobs. MAP-21—that’s the Senate bill—includes critical elements of my Buy America bill and the Invest in American Jobs Act, and it eliminates these loopholes in order to give American workers a fair shot. The Senate bill does not contain pay-as-you-go son pills like the House bill does, such as provisions to strip OSHA protections for hazmat workers and efforts to finance highway construction on the backs of middle class workers.

The Senate bill is not the bill I would have written and proceed with their plans long on the books.

So, again, I call upon the Republican leadership to schedule that bill for consideration by this body now. Yet in the spirit of compromise—again, a word that’s necessary in this body—I would remind the Republicans that it is a word in the dictionary, that it is a word that Americans use daily, and that I might consider supporting such a compromise today. In short, I’d support what is being proposed today, not this lavish 60-day, 8-week extension, but rather one that keeps our noses to the grindstone and that instills the sense of urgency that this matter deserves.

I reserve the balance of my time.

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

Mr. Speaker and my colleagues, let’s deal with just a few facts.

First of all, the fact is this would be the ninth extension. The fact is that the Democrats, who are on the other side of the aisle, when they controlled the entire House of Representatives and the United States Senate—the other body—in a huge majority and the White House, they had six extensions. That’s the first fact.

The second fact is that the folks from the other side of the aisle, when they controlled it, they weren’t even able to get a bill out from subcommittee to full committee, and we’ve gotten it this far to the floor with huge majorities. They did not pass it.

Let’s just deal with the facts. The facts are, on June 17, 2009, after my committee answered the Senate’s call, the other side of the aisle to go forward with a long-term bill, it was President Obama who sent then-Secretary Ray LaHood to tell us that they were going to kill a 6-year bill that we had agreed on to move forward, which they couldn’t even get out of committee, to an 18-month extension.

These are the facts. The fact is that they had 6,300 earmarks in the last bill, and they were open to earmarks in the bill that they were about to propose. This bill is being brought forward without tax increases. It is responsibly funded with dramatic reforms and, again, devolves to the States and local governments, which actually build these projects, the streamlining and other financial opportunities that they can take advantage of.

As for the part about bankrupting the trust fund, let’s deal again with facts. The facts are that the bill that is proposed by the Senate bill is a 2-year bill, and the trust fund money expires in 18 months. That’s not responsible. The bill we brought out has a pay-for.

With regard to the comments that we’re slashing, we are continuing at current levels. It’s $52 billion for 5 years. Do the math. It’s 26%. The Senate bill is $109 billion. It’s 54.9. We are increasing spending at a time when we shouldn’t be increasing spending, but we’re maintaining the current level. They count no increase as a cut. That’s the kind of math that’s going on here.

So I came to the floor because there was a bipartisan agreement between the leadership of the House and the Senate to move forward because we have to get people to work. This is my third extension. I have had the honor and privilege of chairing the committee for—what?—14 months now. I have cooperated with the other side, including holding hearings in the district of the first gentleman who spoke, Mr. RAHALL—in Beckley, West Virginia—all the way to the west coast. I’ve held dozens of hearings out in the field and here in Washington to try to develop legislation that could get the job done and so that we could do more with even the same amount of money and put people to work at this time in our country’s history. So those are the facts.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 15 minutes remaining.

Mr. MICA. I yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN), the chair of the Highway Subcommittee.

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time, and I thank him for his leadership of the Transportation and Infrastructure Committee. Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time, and I thank him for his leadership of the Transportation and Infrastructure Committee.

H.R. 4239 extends the surface transportation programs through May 31, 2012, at funding levels consistent with the fiscal year 2012 transportation appropriations bill passed last November. This extension is clean and does not add any policy provisions. Without this extension, Mr. Speaker, these programs are set to expire this Saturday. This legislation will allow the highway and transit programs to continue to operate as the spring construction season kicks off.

During this 2-month extension, we fully expect the House to pass H.R. 7, the American Energy and Infrastructure Jobs Act of 2012, and conference this bill with the Senate’s 18-month reauthorization bill. H.R. 7, as Chairman Mica just noted, is an authorization bill that provides the long-term funding at current levels. It provides the predictability that States and localities need and have requested in order to plan major transportation projects and critical improvements to their transportation systems. Additionally, H.R. 7 eliminates, or would eliminate, wasteful Federal programs and put important decisionmaking power back in the hands of the States.

There is no reason for Washington to dictate projects that should be funded in my home State of Tennessee or in other States.

Federal aid transportation projects around the Nation are sitting idle because of inefficient and unnecessary project review requirements. H.R. 7 goes the extra mile by streamlining the project review process and by eliminating scores of unnecessary Federal requirements. My constituents in the 2nd district of Tennessee and those throughout this Nation want a more efficient and smarter process for investing our Federal transportation dollars,
We need to speed up these highway projects. The last two studies by the Federal highway officials have estimated that it takes 13 years—one said 13 years; one said 15 years—from conception to completion. All these other developed nations around the world are doing these in a half or a third of the time that we are. We’ve got to speed things up to become more globally competitive.

When Congress sends H.R. 7 to the President, it will be considered the signature jobs bill that Americans have been waiting for Congress to pass. Just this week, Time magazine has a cover which describes our recovery as “wimpy.” Yesterday, the chairman of the Federal Reserve Board, Mr. Bernanke, said that the job market continues to remain weak.

This bill, H.R. 7, if we can pass it, will create millions of jobs for hard-working Americans right here in the United States—not in China or India—and will leave a lasting impact with tangible improvements to our transportation infrastructure. By passing the long-term reauthorization bill that the business community and State and local officials across this country want, Americans will be able to see their tax dollars working to rebuild and strengthen our Nation’s highways, bridges, and transit systems. In addition, people all over this country want us to stop rebuilding other countries and start doing what we need, rebuilding our own country and putting our own citizens first once again.

I urge my colleagues to pass this bill, a 2-month extension so that the House can continue its work and then pass H.R. 7, the long-term reauthorization reform bill that this country needs.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon, the ranking member on our Subcommittee on Highways and Transit.

Mr. DeFAZIO. I thank the gentleman.

Well, the Republicans have got the wheel hard over, pedal to the metal. They are spinning doughnuts. And they want another 90 days or 60 days—it was 90 days yesterday; 60 days today—to spin doughnuts until they run out of fuel on their side of the aisle.

Look, the Senate, which previous to this leadership was the most dysfunctional, was the most dysfunctional legislative body in the land, has passed a 2-year bill with reforms and streamlining with half of the Republicans and some members of the Flat Earth Caucus, voting for it. It received 74 votes in the Senate. Nothing gets 74 votes in the Senate. But you’re refusing to bring that bill up because—we might get something. So how about another 60 days to spin our wheels?

Well, let’s have a little bit of history here: February 8, 2011, Chairman MICA: 

“We’ll have a surface transportation bill by the August recess.” That was, what? 2011. Oops. Well, then in August of 2011, Chairman MICA: “I will agree to one additional highway program extension.” Oops. He’s asking for yet another and another and today yet another.

Well, then, spin forward quickly to November of 2011, Speaker BOEHNER: “House will pass a highway bill this year.” Then spin forward to February 1, 2012. Here’s the problem: they’ve got a bunch of people on their side who hate government so much that they’re willing to destroy the national transportation program to kill it. We are not making the claim. Speaker BOEHNER, that spending taxpayer money on transportation projects creates jobs, are we, huh? They hate government so much, they will say that investment by the government that relates to getting our transportation system and maintaining it and rebuilding it with “Made in America” requirements does not create jobs. Why would he say that? Because they’ve got 80 people on their side of the aisle who do not believe we should have a national transportation plan or policy. They’re willing to let our roads, bridges, and highways crumble.

This is the pre-Dwight David Eisenhower—a Republican President—National Highway System program. This is the brand-splifity-new Kansas Turnpike that ended in this farmer’s field on the Oklahoma border. This went on for years because Oklahoma didn’t delineate it. And that was the law. They’re going to throw those good old days, No Federal mandates. No Federal transportation system. Oh, okay. So the Port of Los Angeles and the people of southern California should pay for everything that we do. Even countries with austerity programs, like Britain, they’re putting people back to work. Despite what the Speaker had to say to the Flat Earth Caucus over there, it does create jobs and investments. We need to move forward.

Now they’re saying, Oh, no problem, just another temporary delay while we get our act together on our side of the aisle. Well, they already said the statement, no more, only one more temporary extension. That was about 9 months ago. And we’re finding now that actually the delays are costing jobs, uncertainty costs jobs. States can no longer plan projects and investments if they don’t know if there is going to be Federal money there in 90 days. Ninety days? Oh, 60 days. I forgot. In 60 days. They’re going to plan a long-term project that can last 60 days? No, I don’t think so.

So in North Carolina, the Secretary of Transportation says: The delays have cost 41,000 jobs. That seems a little high to me. But Nevada, 4,000 jobs. Maryland, 4,000 jobs. Michigan, 3,500 jobs. Adding it up across the country, even if we use the low numbers, we’re talking tens of thousands of job opportunities lost because they can’t get their act together.

Just let us vote on the Senate bill. That’s all we’re asking. I mean, I think there might be a few people on your side of the aisle who would agree with their Republican colleagues in the Senate and support it. And I can guarantee you, we would get almost a Democrat on this side of the aisle to vote for it. You can’t even get your own people to vote for your own bill. You are wrapped around the axle on your own caucus day after day. You have to pretend it won’t create jobs. Well, that’s not enough for them.

PAUL RYAN has now proposed in the budget, which we’re going to vote on next, that we should decrease funding in transportation by 35 percent. But you’re saying over there that you want to continue the current levels. Well, look, the Speaker got it together because if you’re going to support the Ryan budget, then you’ve just voted to cut transportation beginning October 1 by 35 percent. That’s about 500,000 jobs. But what the heck.

You guys hate government so much, you hate America so much that you won’t do what’s necessary to put this country back together, to rebuild the infrastructure that was given to us by Democrats and Republicans alike for more than half a century, never in a partisan way. This is the first experiment, the first attempt to pass a totally partisan bill, and you’re falling on your own side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. MICA. Mr. Speaker, I am pleased at this time to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the chair of our Rail Sub-Committee.

Mr. SHUSTER. I thank the chairman.

Listening to the last speaker, I believe that the other side of the aisle has got a case of amnesia because I was here in 2007 and 2011 when they had the majority in the House, the majority in the Senate, and the Presidency, and they did nothing. Well, that’s not true. In fact, the last speaker, the gentleman from Oregon, he was the chair of the Highways Subcommitteee; and we passed a bill by voice vote out of the subcommittee, a Democratic version. Voice vote. That means it came out of subcommittee in a bipartisan way.

Now, there was a lot in that bill I didn’t like. But it was probably the gentleman from Oregon, the last speaker, and the majority party wanted to do was to expand government control of the highway system, expand
the decision-making process to the bureaucrats in Washington instead of allowing the people in the States to make more of those decisions.

So it’s startling to me to hear the criticism and insults hurled at our side of the aisle. I do take offense to the fact that he said we hate America. We love America. We love the American people and the wisdom of the American people and the wisdom of those in State government to make decisions, also.

I believe there is a national role in the transportation system in this country. It is a national policy. It’s based on our founding. It’s our history. We’ve always been part of this national system. So I want to pass a bill, a 5-year bill. I don’t believe my colleagues have gone home and listened to their DOT directors and the people that build roads and sell equipment and the business people. They want a 5-year bill. They do not want a 2-year bill because they won’t make decisions on expanding their businesses, buying equipment, hiring people on an 18-month bill.

If they truly cared about rebuilding the infrastructure of this country, they would have passed a highway bill from 2007 to 2011, but they failed to do it; and now they’ve come to the floor to criticize our side. And we’ve worked very, very hard. Chairman Mica has put together a bill that really does make significant reform. And I don’t know why the other side resists reform when we can spend money quicker and we can get that money out there and rebuild the roads and bridges we need today.

Mr. RAHALL. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 8½ minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Florida, the distinguished ranking member of our Subcommittee on Railroads.

Ms. BROWN of Florida. Thank you, Mr. RAHALL, for your leadership on this transportation bill. You can be a friend of the people some of the time, but you can’t fool all of the people all of the time.

When President Barack Obama came to the floor, he mentioned to the House that Republicans used to like to build our transportation and transit systems the envy of the world, that Republicans used to like to build our highways and transit systems the envy of the world, that Republicans used to like to build our highways and transit systems the envy of the world. Republicans now propose.

And oh, by the way, the way we pass—if we pass—the Senate bill, it will be a 16-month bill. It’s just another extension. It doesn’t have reform in it. Our bill does reform. It will allow that $260 billion to be spent faster. And anybody that’s been in business and had to deal with the day in and day out knows that time is money. If it takes 10 years to build a highway versus 7 or 8, that’s going to cost us a lot more money. That’s common sense. That’s why this 5-year bill is a commonsense bill and we need to pass it.

But I’ve come here on the floor today to debate not the 5-year bill because I believe it’s the best way to go; I’ve come here to support the bipartisan agreement—I thought it was a bipartisan agreement; I guess we’ll find out shortly—a bipartisan agreement for a 60-day clean extension that will give us the time to move forward and put a commonsense bill on the floor that will encourage growth in America. It will encourage people to hire and invest in their businesses when they’re building roads and bridges in this country.

Failing to pass this extension is really not an option, so I hope that my friends will get behind this extension and pass it so that we can work to pass a bill that makes a lot of sense and that is H.R. 7—and that will help to create jobs.

Again, I would remind my colleagues if they’re watching this or colleagues in the Chamber, from 2007 to 2011 our Democratic colleagues that control both branches of government, both Houses of Congress, did not pass a highway bill. They passed a stimulus bill that didn’t work. Only 8 percent of it went to highway and infrastructure projects. We as Republicans offered an alternative of the use of the money that the Democrats passed, and half of that money going to rebuild our infrastructure.

If they truly cared about rebuilding the infrastructure of this country, they would have passed a highway bill from 2007 to 2011, but they failed to do it; and now they’ve come to the floor to criticize our side. And we’ve worked very, very hard. Chairman Mica has put together a bill that really does make significant reform. And I don’t know why the other side resists reform when we can spend money quicker and we can get that money out there and rebuild the roads and bridges we need today.

Mr. RAHALL. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 8½ minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Florida, the distinguished ranking member of our Subcommittee on Railroads.

Ms. BROWN of Florida. Thank you, Mr. RAHALL, for your leadership on this transportation bill. You can be a friend of the people some of the time, but you can’t fool all of the people all of the time.

When President Barack Obama came to the floor, he mentioned to the House that Republicans used to like to build our transportation and transit systems the envy of the world, that Republicans used to like to build our highways and transit systems the envy of the world.

Unlike the successful bipartisan efforts of SAFETEA–LU, TEA–21, and ISTEA that put millions of Americans to work and made our highways and transit systems the envy of the world, today’s Republican extension merely allows the Nation to limp forward, impeding our ability to rejuvenate our economy.

Let me be clear. This extension does nothing to create jobs or provide certainty to States. It does nothing to rebuild our crumbling infrastructure, and it does nothing to improve safety on our roadways and bridges.

It’s been 6 weeks since the Senate and the House Committee approved the rule for H.R. 7, the Republican highway reauthorization that was drafted in the dark of night and was passed out of the Transportation and Infrastructure Committee without a single person other than Chairman Mica having read the bill. When our Republican colleagues finally did read the bill, they, too, were struck by the overwhelmingly negative consequences for many of their States.

The SPEAKER pro tempore. The gentleman from West Virginia has 6 minutes remaining.

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

Mr. BISHOP from New York. I thank Mr. RAHALL for yielding. This rise in opposition to H.R. 4239, the Republican 60-day highway bill extension.

As prime construction season begins, thousands of construction workers and their families will lose their jobs because our Republican colleagues would rather engage in hyperpartisan politics than put Americans back to work. Today’s highway extension is yet another example of the failed leadership and absent policies of the Republican Party.

Mr. MICA of New York. Mr. Speaker, may I inquire of the Gentleman from West Virginia?

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from New York (Mr. BISHOP), who has introduced the other body’s bill in this House. It’s labeled H.R. 14 and is twice as good as H.R. 7.

Mr. BISHOP of New York. I thank Mr. RAHALL for yielding.

It’s been 6 weeks since the rules committee of the Speaker approved the rule for H.R. 14, the bipartisan Senate highway bill that will save 1.8 million jobs and create up to 4 million other jobs, supporting over 113,000 jobs in my State of New York alone.

If the priority of the Republican caucus was to create jobs, they would immediately take up and pass H.R. 14, the bipartisan Senate highway bill that will save 1.8 million jobs and create up to 4 million other jobs, supporting over 113,000 jobs in my State of New York alone.

If the priority of the Republican caucus was to reduce the deficit, they would take up and pass H.R. 14, the only proposal in town that is fully paid for.

If the priority of the Republican caucus was to provide certainty to the markets and the States, then we would take up H.R. 14, the 2-year Senate bill, and the 60-day extension that the House Republicans now propose.

H.R. 14 not only passed by an overwhelming bipartisan majority in the
The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of New York. As House Republicans continue to isolate themselves from the mainstream, Americans continue to wait for much-needed infrastructure jobs and the thousands of businesses they support.

I urge my colleagues to reject this short-sighted extension of our Nation's transportation programs and pass H.R. 14, the bipartisan Senate bill.

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

Mr. RAHALL. Mr. Speaker, I am honored to yield the customary 1 minute to our distinguished Democratic leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I do not resist the opportunity to come to the floor to speak on the situation that we have before us.

I thank the gentleman from West Virginia for his ongoing leadership in terms of bipartisanship and constructive legislation to rebuild America, which is so important to us. It has been the tradition—Mr. MICA will admit—that this has always been a bipartisan effort. That is the history. That is the tradition that has served the country well.

For the first time, however, the Republicans have chosen to do a strictly Republican bill, which our very respected Secretary of Transportation who served in this House as a Republican, served as a Member of Congress as well as served the minority leader, Mr. Mica, as a staff person, so he has a long history of knowledge of legislation in the Congress, said this was the worst transportation bill he had seen in his 35 years of public service—and, again, this is a field in which he is an expert.

He said the bill loses jobs, the bill Republicans want to put to H.R. 7, and it also diminishes safety. That is not a formula for a good transportation bill—less safety, fewer jobs, losing jobs. And so, we have an opportunity to support a bipartisan bill that has come from the Senate—three-quarters of the Senate in a bipartisan way passed it out. March 31 is the deadline when all of this will expire unless Congress acts, and Congress is not acting because the Republican majority does not have its act together. Their ‘our way or the highway’ attitude means no highway bill that creates jobs and promotes public safety.

It’s really so sad because in the tradition of our country, from the start, from the very start, Thomas Jefferson undertook for building the infrastructure of America. He tasked his Secretary of the Treasury, Gallatin, to come up with a project that would expand into America, the Louisiana Purchase, and the Lewis and Clark expeditions. And out of that initiative came the Cumberland Road, the Erie Canal, and other things like that over time, and in that tradition, the American people need a broad road and the rest that would come later.

Then in our century, a Republican President, President Eisenhower, at a time of bad economic times, bad economic times, he went forward and took the initiative for the interstate highway initiative, which was so important to our country. It was a security issue to unite America. It was a jobs initiative to build that interstate highway system. And it was about promoting commerce, connecting people, and improving the quality of life. It was a great initiative, and it, too, was a bipartisan initiative. In fact, in the Senate, our friend, Senator Gore, Vice President Gore, his father took the lead on that legislation, the distinction of building a better America, as we heard earlier from the gentleman from Tennessee.

So this has all been a bipartisan initiative. It’s about rebuilding America, which is part of our reigniting the American economy of opportunities so people who work hard, play by the rules, and take responsibility can have a ladder of success to climb and then put down for others to do. And part of that is A, Make It In America so that people can make it in America; and B, and I get to this point, build America, build America, build the infrastructure of America. And that means everything from the highways with mass transit, rapid transit, high-speed rail, and all kinds of technological infrastructure that we need with broadband and the rest.

It doesn’t have any political or partisan cast to it at all. It never has—until now. And until now, for reasons that are hard to explain to the American people, while we have a solution, we have a challenge. The authorization expires March 31. We have a bill that can be sent to the President in a matter of hours from this House of Representatives this day. And instead of smoothing the way, the road to jobs, we have the Republicans putting up, yet again, another obstacle because they have not been able to get unity in their caucus on a bill that promotes commerce, build America, promotes safety, and creates jobs, jobs, jobs, jobs.

So what are we doing wasting the public’s time with a 60-day extension? I support the leadership of our ranking member, Mr. RAHALL, when he talks about why we have to do something better, something more important, something more worthy of the concerns of the American people than a parliamentary maneuver that isn’t going to produce anything. I don’t know how to do it, but I believe, in that says, let’s do this now so that we can do something better later. It has a bill that they cannot even pass on the House floor, their own H.R. 7. If they could pass that, they would. Their own caucus doesn’t support what they’re putting forth. So they expect the rest of us to cover for them.

Well, that is a real disservice to the American people. It’s just a short-sighted maneuver to the hundreds of thousands of construction workers who are out of work. This job in its totality, and the jobs it would save and the jobs it would create, over 2 million jobs, and yet instead of doing that, we have a tactical maneuver for God knows what reason.

Everything we do is about time. It’s about time, shortening the time in which people have to wait for jobs, shortening the times in which people get to and from their jobs. And it’s about time that we put the American people back to work by passing the biggest jobs bill that Congress can ever pass, and that is a transportation bill.

We have it right at our disposal. Mr. Bischuk introduced it as H.R. 14, we had a bipartisan, I believe the Republicans resoundingly voted against the Senate bill. And I understand it was a procedural vote.

Now in a substantive vote, why don’t you bring that bill to the floor? Why don’t you bring that bill to the floor? Why don’t you bring that bill to the floor? And I ask the question again to my Republican colleagues: Why don’t you bring the bill to the floor that three-quarters of the United States Senate in a bipartisan way passed out? We all want it. We need it. We want a bill they can pass. This is the bill we should pass so that the President can sign it into law. Anything else is just a conversation. Taking action, taking the votes, that is what the American people expect us to do. So we can talk all we want. What the American people want us to do is to act. And so I reject 60 days when we can do something much better for the American people.

Mr. MICA. I yield 2 minutes to Mr. SHUSTER, the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman from Florida, and I appreciate the opportunity to be able to ask my Democratic colleagues, following up on the distinguished leader’s question but with a little twist to it, why didn’t your side, when you had control of both Houses of Congress and the Presidency, why didn’t you pass a bill, a highway bill? You had the votes. You could have done anything you want.

In fact, the former distinguished Speaker that just spoke said that this is going to be the biggest jobs bill we will pass. I thought your stimulus was supposed to be the biggest jobs bill we ever passed. It’s amazing to me to come down here on the floor—and I have so much respect for my colleagues on the other side of the aisle—but to hear this argument going round and round, and as I said earlier, there’s amnesia on the other side of the aisle. You had control of Congress. The stimulus expired in 2010. You still had control of both Houses and the Presidency. You didn’t pass a bill.
I also would like to make note, if you look back in the history of the highway bill, we’ve never been in the financial situation that we are today. We’ve never faced the kind of debt that we face today. And what this bill does is it lives within our means. But it does more than just that, living within our means, which we should do, and I would add, Thomas Jefferson would be appalled if he saw the kind of debt we’ve racked up today. He would be appalled by that.

So we’re living within our means, and we’re streamlining the process. We are saying we can do more with less if we change the process. The Senate bill doesn’t have the kind of reforms. What the Senate bill does is it bankrupts the highway trust fund. It bankrupts the highway trust fund. And then we even have a bigger problem 2 years down the road, actually maybe 18 months, maybe 17 months, probably 16 months by the time we get there. The Senate bill requires States to incorporate livability and smart growth policies, as if the States aren’t smart enough to do it themselves. As if the States and cities in this country can’t figure out how they can live within the lives of their cities? No. The Federal Government has to do it. The Federal Government has to insist that they do that.

Look, I think that Members of Congress ought to have the ability to direct where some of these funds go, but the Senate bill, what it allows are the bureaucrats. The SPEAKER pro tempore. The time of the gentleman has expired. Mr. MICA. I yield the gentleman from Pennsylvania an additional 30 seconds.

Mr. OLVER. I thank the gentleman for yielding.

Mr. Speaker, America’s whole economy depends upon the efficient movement of people and goods. A modern, well-maintained transportation network is critically necessary for our economy to grow and the country to prosper, and its influence on the economy is staggering.

Our auto manufacturing industry and its enormous parts-supplier base, the national network of gas stations and its complex distribution system, and the oil industry itself all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to the labor pool.

Furthermore, every good product produced or consumed in the U.S. must be transported via our network of roads, railroads and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Unfortunately, the 60-day extension Republicans offer on the floor today keeps our transportation system bogged down in a state of uncertainty. It slows down ongoing projects by only providing partial funding; it jeopardizes a major part of this construction season in northern States by hindering and delaying their ability to determine how many projects can be funded; and it shuts down the planning and design pipeline for future projects because they don’t know what resources will be available.

Consequently, this being the ninth extension since 2009, State transportation programs are being forced to move forward only with projects that meet the lowest common denominator.

Mr. Speaker, if the Republican goal is to slow economic growth and keep unemployment high into the fall, this 60-day extension will accomplish that spectacularly.

The SPEAKER pro tempore. The time of the gentleman has expired. Mr. RAHALL. I yield the gentleman 15 more seconds.

Mr. OLVER. I can think of nothing that would be more effective at slowing economic growth and keeping unemployment high.

Mr. Speaker, there is a better option. Bring it to the floor and let us vote on the Senate’s multiyear bipartisan bill that was passed by a vote of 74-22, with majority support from both parties.

Mr. MICA. I have no further speakers, and I would reserve my time to close.

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

Mr. Speaker, to respond to the other side of the aisle about which party was in control when nothing was done or vice versa, whatever, as that side of the aisle knows, it takes so much to get the other body to agree on anything that it takes 60 votes to get something necessary. It doesn’t matter which party controls the other body; to get them to agree on something is difficult.

So I conclude by saying vote against the delays and pass the Senate bill.

I yield back the balance of my time.

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

Unfortunately, this has turned into, I guess, sort of a political ‘gotcha’ game. If this was a sporting event right now, the umpire would probably come out, throw down the flag, and say a foul has been committed.

It’s kind of sad that bipartisanship has become a one-way street. No one has worked harder than I have to try to accommodate the other side of the aisle.

Mr. Speaker, one of the former speakers said we had refused to work with the Democrats. That’s not true. We took 60 percent of their recommendations. And one reason we took longer than I had hoped was to make certain that even if we had a fair and open opportunity. The process was completely open by going to the ranking member’s district for the first hearing and all the way to the west coast.

In the amendment process, I told Members that everyone would be heard and everyone would have an opportunity to offer an amendment. Yes, we sat for 18 hours. We took over 100 amendments from the other side of the aisle, and each of them was considered with the respect and dignity that every Member of this body should have before everybody.

This is not true. Again, I just don’t think it’s fair.

Mr. Speaker, the gentleman from New York (Mr. BISHOP) came to the floor and said that I was the only one that had a copy of the bill. In fact, the irony of it is that Mr. Bishop and his colleagues—indeed every Member was given a copy beforehand, which is twice the period of time in the past; and copies of the bill were distributed from his office, which he also admitted to in committee before the bill came to the committee.

The Secretary said this is the worst bill he has seen, and it is for bureaucrats and for people in those tall buildings in Washington, because we’re consolidating programs. We went from six core programs to 130. We have offices that we don’t need, duplicate programs. Someone is trying to actually do reform.

Yes, we did substantial reform. They throw money at problems. We, at least, keep it level and we responsibly pay for it. But even when they threw money at things, like the stimulus that Mr. Shuster brought forward, 35 percent of the money—and 2 years later, that money was still sitting in the Federal Treasury because shovel-ready became a national joke; and it is a national joke
because of the red tape, the bureaucracy, all by those people who may lose their jobs in those glass buildings right here in our Nation’s Capital.

Again, I don’t think it’s fair. I’m disappointed, We tried to do a 90-day bill. The House and the Senate are going to be out for 2 weeks for Easter. Then they come back, and one body is out and the other body is out and nobody is here. They weren’t happy with 90 days, and we tried to accommodate the 60 days.

This is a political game of “gotcha,” and it’s unfortunate because there are many Americans who are counting on us for jobs and many people who have lost their home, particularly in the construction industry. They don’t want rhetoric. They want action from this Congress. If we just had a cooperative effort on this, and true bipartisanship, we could get so much done for the American people.

I’m saddened in a way, but I tell you I’ve done everything I can to move this forward. For some of those people I’ve talked to that don’t have a job, that have lost their homes and their life savings, we need to put a few of them to work. And we can if people would stop the nonsense and move forward in a responsible fashion. I yield back the balance of my time.

The SPEAKER pro tempore.

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 3309.

The SPEAKER pro tempore. There was no objection.

The SPEAKER pro tempore. Pursuant to rule 2, further proceedings on this question will be postponed.

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

GENRAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 3309.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 595 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 3309.

The Chair appoints the gentleman from Illinois (Mr. KINZINGER) to preside over the Committee of the Whole.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the processes followed by the Federal Communications Commission, with Mr. KINZINGER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered at first.

The gentleman from Oregon (Mr. WALDEN) and the gentleman from California (Ms. ESHOO) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

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

Mr. Chairman, ladies and gentlemen of the Assembly, the communications and technology sector is one of the most competitive, innovative, and open sectors of our economy. From fiber optics to 4G wireless service, from the smartphone to the tablet, to the connected TV, this sector has been creating and nurturing new devices and high quality jobs that come with high tech innovation and investment.

Now, despite a lackluster economy, wire line, wireless, and cable providers invested $66 billion in broadband infrastructure in 2009. The U.S. is now leading in the cutting-edge wireless technologies. If we want this to continue, though, we need to avoid needless bureaucratic red tape and fix broken processes at the FCC.

Communications and technology companies and the public deserve a more transparent and responsive government agency, and that’s exactly what the legislation before us now would accomplish. Bringing transparency and accountability to the agency, the Federal Communications Commission.

The bill is the fruit of the Energy and Commerce’s own open and transparent process. Last May we invited the commissioners of the FCC to testify about improving their processes, and we heard from them about the process problems that have occurred at the agency when it’s been headed by chairs from both parties. This is not about this commission. It may be about a prior commission, but it’s about a systemic problem.

In June, staff released a discussion draft, and we held a legislative hearing with a diverse panel of experts representing industry, think tanks, consumer groups, academia, and the States. We listened to what they had to say about the various ideas that were on the table, and we began to work to modify those ideas into something that was workable.

In response to the views presented at the hearings, as well as additional input from stakeholders and colleagues on both sides of the aisle, we refined the draft legislation.

Then, in November, the Subcommittee on Communications and Technology held an open markup of the bill at the subcommittee level. The text is there. Everybody had a chance to see it, everybody had a chance to work on it and ask about it.

Earlier this month, the committee marked up the bill, the full committee did, with several bipartisan amendments that continued to improve the FCC processes. So, in large part, the FCC Process Reform Act asked the FCC to go through a process similar to what we just went through in the committee, on the Energy and Commerce Committee, to actually craft this reform legislation. And then we asked the FCC to implement the kinds of reforms that we implemented in this very House to avoid abuses that had taken place in the past.

Now, the FCC regularly issues final decisions without giving the public an opportunity to even review the text of what they’re considering, and I want you to think about that for a moment. They actually issue final decisions without giving the public an opportunity to review the text.

We don’t operate that way in the House, at least not anymore. The transition team that Speaker BOEHNER asked me to chair after the last election adopted a requirement that people have time to read the bill. A 3-day lay over provision’s in place in this House process that gives the public a chance to read the bills, we have a chance to read the bills, the press corps in the gallery behind us has a chance to read the bills.

What’s wrong with asking a Federal agency that writes regulations that affect one of the most dynamic industries in our Nation—what’s wrong with asking them to make their text available? We do that in this legislation.

Let me tell you part of the problem here. That October, the Chairman introduced more than 100 new documents into the record of its universal service proceeding in the last few days of public comment. Giving the public as few as 2 days to comment on thousands of pages of new data isn’t right. These are some of the drafts of documents right here behind me in these binders. Can you imagine, in 2 days, you’re supposed to evaluate everything there?

As the president and CEO of the Wireless Association, there are other elements of H.R. 3309, such as the provision aimed at preventing data dumps—that we would call a data dump—right before an item goes on sunshine, that would represent significant improvement in the regulatory process now so that the public has a chance to read the bills, the press corps in the gallery behind us has a chance to read the bills.
comment on proposed rules. It is your business, after all. The agency ought to let you have a chance to participate.

Now, unlike executive agencies, these are the ones under the direct command and control of the President of the United States. The FCC never assesses costs and benefits of regulations. Not required to, so they don’t do it always. They can, but they don’t.

Now, President Obama issued an Executive order that required executive agencies to actually assess costs and benefits of every single regulation they issue on the President of the United States. And his Executive order requires a more stringent test for major rules. These are the ones affecting the economy in the area of, like, $100 million.

The FCC is not one of those executive agencies. It does not have to follow what the President of the United States tells the other agencies to do because it’s an independent agency. So everything the President’s asking all the other agencies to do, in this legislation we’re saying, FCC, you should do it as well.

Now, President Obama appointed a jobs council. How do we make America more competitive? How do we improve the processes that really drive economic growth?

That jobs council called on this Congress last year to require independent agencies like the Federal Communications Commission to actually conduct a cost-benefit analysis before putting more red tape on industry. Go find out what it’s going to cost to do what you propose to do.

Now, I want to make it clear. We didn’t require the FCC to do the more onerous test that the President requires. The bill is less onerous than his own executive order because it takes a lighter touch regulation applied to all regulations and applies it to the FCC’s major rules. So we ratchet it down.

We’re not trying to overburden this agency, but if every other agency of the government can do a cost-benefit analysis and even do a higher, more sophisticated level, what’s wrong with asking the Federal Communications Commission to do a light-touch review of costs and benefits?

And you’ll hear arguments that this is all brand new stuff, that it’s never been done before. Don’t be golly, we’re going to litigate for 15 years. The whole world’s going to end.

Look, this uses language right out of President Obama’s order. The bill requires for major rules “a reasoned determination that the benefits of the adopted rule, or the amendment of an existing rule, justify its costs, recognizing that some benefits and costs are difficult to quantify.” That’s in our language. It’s also in the President’s language, taking into account alternatives to regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives.

1540

Virtualty all of that language I just read to you is what the President of the United States has put as a requirement on the Agencies over which he has direct control. We’re saying the FCC is under our control as an independent Agency. The president of the United States is our master in the Congress. It’s up to us to carry out these provisions. They’re good public-policy changes.

The FCC has a substantial backlog that affects small businesses and consumers—4,984 petitions, 3,950 applications that are more than 2 years old. All across the country people have been asking the FCC to take actions, to solve things, to come to decisions. They do it in a clouded, behind-the-curtain sort of way. And you sit on the outside as the public trying to grow jobs, invest and innovate, and you wait. You wait.

Two years is the lifetime for an entrepreneur in the communications marketplace. My wife and I were small business owners for 22 years. We were broadcasters. We’ve been before the FCC. We’re not in that business anymore, been out of it since December of ‘07. So I’ve got a lot to say. I’ve witnessed what you have to deal with so I’m trying to fix it here. 1,083 consumer complaints are more than 2 years old. The FCC has done nothing on them.

The bill requires the FCC, therefore, to set shot clocks for decisions so the public will know when to expect an answer. We don’t tell them the length of those shot clocks or how they should be done. We’re just saying look at your workload and give the public a gauge of when you will reach a decision. You decide the decision. You decide how long those shot clocks will be because you know better in terms of the management flow of your workload what’s appropriate, but they set the guidelines.

In recent years, the FCC has leveraged its authority to review transactions to accomplish unrelated policy goals and insulate its rulemakings from judicial review. Now, what does that mean? It does so through last-minute side deals with applicants that are often not disclosed until just a few days or even hours before the FCC approves a deal. One problem with these voluntary commitments is they’re not voluntary. If you’re trying to get the FCC to approve your transfer of license, the FCC, in recent years, has used that approval authority to go way beyond any statutory authority they have to issue rules in an area and they hold you hostage. Outside of the portals, we’d call it extortion, probably. Because what they do is say, look, we only have authority here to decide on transferring your license, that’s true. Yeah, we’re looking at that. But we want you to go off here and do other things that have nothing to do over which we have no authority to mandate that you do them. We could not do a rulemaking if we wanted to because we don’t have the authority under the statute to do it. But, by the way—wink, nod, twist your arm—if you don’t, and you don’t call it voluntary, then you can probably kiss this merger good-bye.

I don’t think that’s an appropriate role for the Federal Government. Nobody in this Chamber should support that kind of activity; and yet if you oppose this bill, in effect you’re supporting that activity.

Now, I know they’re some companies out there who aren’t real wild about this because they see this as an ability to affect their competitors. Because they say, oh, that’s great, we’ll twist them at the FCC and we’ll force them to do things the FCC couldn’t force them to do on their own absent a merger or condition outside of their regulatory and legal authorities, and we’ll get a little edge in the market, we’ll put our finger on the scale. That’s what happens. That should stop.

And I argue we treat the FCC differently from other Agencies. Well, in effect, that’s what’s happening today. Every other Agency is being directed by the President of the United States to do these things we’re directing the FCC to do through legislation. But because it is different, it is an independent Agency, none of what the President is suggesting can be applied to the independent Agency.

Now, they say, well, we’re going to do this on our own. Well, they may. And, frankly, the chairman of the FCC right now, Julius Genachowski—I’ve spent a lot of time talking to him—he has done some really excellent reforms. But the day he leaves and a new chairman comes in, all those could be wiped out. I think this needs to be in statute so we have good processes and procedures going forward, regardless of who controls what around the FCC in the future.

The FCC does act differently. Now, the Federal Energy Regulatory Commission, known as FERC, is a similar independent Agency, but it doesn’t operate this way. It actually puts the text of its proposed rules out for the public to see before it votes on it. It actually builds its case before it makes its decision.

We have an issue going on right now where I’ve asked the FCC to give me the document they actually voted on as part of this effort on the Universal Service Fund rewrite versus what came out the back end when they were finished weeks later: 751 pages of regulations. They won’t give me documents. You see, it changed behind the curtain. They circulate it around in private. They edit it. They’ve issued their press release and said, here’s what we’re doing, and then they change it. And then you wait. So the public doesn’t have a chance to see what they’re actually considering until it’s too late and it’s too big. I think that’s wrong.

Both sides of the aisle are for institutional reform at the FCC. Former White House adviser Philip Weiser said
that the agency “is in dire need of institutional reform.” State commissioners have been calling for the reform of the FCC rulemaking process for years. In fact, the National Association of Regulatory Utility Commissioners—these are the people who are looking out for the rates and consumers—that is their job—endorses several provisions of this bill, including the actual language of the proposed rule be published for comment; specify a 60-day comment cycle; mandate that all comments on the proposed rules be reviewed any draft decision before voting on it; and on and on. This is good, solid government reform legislation.

It does not protect the status quo. It does not say to the FCC, keep doing what you're doing, you're doing it great. Because some of us came here to change how the Federal Government operates in Washington to open up the process and make it more accountable and transparent. That's what this legislation does.

With that, I reserve the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to H.R. 3309.

Essentially, this bill guts the Federal Communications Commission, the FCC, by requiring new onerous process requirements which will result in an Agency that’s less effective, less agile, and less transparent, the opposite direction, I think, of where we all want to go.

As ranking member of the Subcommittee on Communications and Technology, I want to thank the chairman for the work that he has done with us. He has always been very respectful, and the process I think has been a good one.

Democrats support modernizing the FCC because we want to enable the Agency to operate with increased openness and transparency, as I said. But, unfortunately, the bill doesn't accomplish its goals. Over the past year, our subcommittee has heard from countless industry representatives, administrative law experts, and public interest advocates; but there aren’t any public interest advocates that support this bill, which I think in and of itself is instructive.

□ 1550

Amongst those experts the chairman mentioned is Phil Weiser, dean of the University of Colorado Law School, who is often cited and who has implied that adopting some of his proposed reforms is the way to go; but Dean Weiser tells us “passing this law would be a grave mistake.”

Yet, despite the feedback of a bipartisan group of administrative law experts who suggested that this legislation could tie up the FCC in 15 years of litigation—that’s a real job creator for lawyers—the House is going to vote today on a bill which requires unique statutory mandates that apply only to the FCC, thus altering the way in which the FCC reviews transactions and exposing the Agency to new litigation risks.

H.R. 3309 mandates that the FCC undertake a cost-benefit analysis of any rule with “economically significant impact.” This requirement ignores the fact that the FCC already takes into account the impact of its rules on small businesses. Then to add insult to injury, the CBO estimates that, if enacted, H.R. 3309 would cost $26 million and require the agency to hire an additional 20 employees to handle the new commenting process so that all final rules are in the public interest. If this bill is passed is something I am passionate about.

Mr. WALDEN. Mr. Chairman, I now yield 2 minutes to the gentleman from Illinois, the original cosponsor of this legislation, Mr. KINZINGER.

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman, and thank you for the time to speak on this very important piece of legislation.

Having the opportunity to help lead the effort in committee and now on the House floor to get FCC process reform passed is something I am passionate about because I believe that this legislation will make great strides towards improving the predictability, efficiency, and transparency of the FCC and its operations.

A common theme I’ve witnessed throughout the legislative process is that of bureaucrats coming up with solutions in search of problems. In terms of the FCC in particular, I feel that they sometimes do so without following a standard set of procedures, statutory law, and regulatory guidance. As Mr. Weiser has mentioned, and I have seen in some of the recent mergers in which certain concessions have been extracted from the concerned parties in order to push the wills of those at the Commission. This is not the way to run what should be an open and transparent rulemaking process.

Government transparency is a major key to gaining the trust of the public, to earning the trust of the public. The legislation will put into place some really common-sense reforms. Key among those is telling the FCC that they must publish the specific text of the proposed rules for all to see before the adoption of those rules. They must also allow enough time for the public to understand the process.

Chairman, I don't believe that H.R. 3309 mandates that the FCC unilaterally remove 120 obsolete regulations, drastically reducing the number of pending applications, and taking steps to increase transparency and stakeholder participation. So, for all of these reasons, Mr. Chairman, I don’t believe that H.R. 3309 is the solution, and that’s why I am urging my colleagues to oppose this legislation even though there are some parts of it that I support. We need to ensure that the FCC’s ability remains to protect consumers and to ensure a competitive marketplace in the years to come.

With that, I reserve the balance of my time.
this delicate stage may only distort the private sector's creative process." He added that the open-ended nature of the notice allows the Commission to "elicit greater insight regarding the costs and technical feasibility of potential implementation." Administrative law experts have ridiculed the provisions of this bill. One said: "Why would anyone want to tie the Agency up in knots like this and subject it to endless challenges?" Another told us that industry lawyers would have a "field day" in challenging and in delaying FCC actions. Other experts told us it could take 15 years of litigation for the courts to clarify the meaning of the new requirements in the bill.

Even the Congressional Budget Office agrees that this bill would wrap the FCC up in red tape. According to CBO, the Agency "would require 20 additional staff positions to handle the new rulemaking, reporting, and analysis activities under the bill." Second, this legislation alters fundamentally the way in which the FCC reviews transactions to ensure that they are in the public interest. Under current law, the FCC is directed to protect the public interest when reviewing proposed mergers. This bill would curtail this authority significantly. The bill strips the FCC of its authority to require merger conditions that promote broadband adoption, require minimum broadband speeds, require the repatriation of jobs from overseas, or ensure broadband coverage in rural or low-income areas. Conditions to protect smaller companies from harm could also fall by the wayside. This is not process reform but is a fundamental assault on the FCC's authority to protect the public interest.

Finally, H.R. 3309 gives telephone, cable, or wireless companies vast new tools to tie the Agency up in litigation for years if they don't like what the Agency is doing. It does this by making all the regulatory analyses that accompany a regulation subject to judicial review.

Well, if it's a AT&T or Verizon or some other company that's subject to a regulation, they could sue the Agency on the grounds that the cost-benefit analysis was deficient or the analysis of the market failure was inadequate or the Agency failed to consider alternatives to regulation. These lawsuits, which no other Agency in government would face, could effectively paralyze the FCC.

The Acting CHAIR (Mr. SCHOCH). The time of the gentleman has expired.

Ms. ESHOO. I yield the gentleman an additional 15 seconds.

Mr. WAXMAN. Democrats want to work with House Republicans to develop bipartisan Federal communications policy that will protect the economy and the American public and to make sure the FCC is doing its job. But we can't do this when the only proposals that are brought to the House floor would turn the FCC watchdog into a lapdog for industry. We should stop wasting time on ideological flights and start cooperating together. Otherwise, this will be another House-passed bill that will not go anywhere in the other body, will not become law and it is for good reason that it shouldn't.

Mr. WALDEN. Before I yield to the vice chairman of the subcommittee, I just want to make a couple of corrections here to at least explain things. The Telecommunications Commission would still have the public interest standard that it has today to deny a transfer if it's not in the public interest. We don't take that away. We don't take that away.

And on interoperability, the ranking member talked about this interoperability standard the Commission is now taking up. Ironically, that actually was first raised as part of a request by some to include in the AT&T-Qualcomm merger. Instead, the Commission actually did the right thing. It, in effect, is doing a notice of inquiry. It says, Before we do draft rules, let's go out and survey the marketplace and find out what the issues are. Then the next logical step is back with a notice of proposed rulemaking, i.e., the draft rules. This is what we are suggesting occur as regular practice as a result of this legislation.

Now I would yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), the distinguished vice chair of the subcommittee.

Mr. TERRY. I thank the chairman. Mr. Chairman, may I submit that my friend, who just spoke on the other side, maybe was a victim of some poor staff work that took some liberties to revise and extend the real bill that we are debating here today because, frankly, the reforms here are fairly practical and necessary. What this actually does is puts into the process of developing rules some simple changes that we think are reasonably necessary, keeping in mind that transparency is the key. So, for example, let's take the recent USF reform rule that came out. I have been active in USF. Mr. Chairman, for several years trying to get some of these reforms done through Congress. It was taken up through the FCC process. I was anxious to see the proposed rule and was very disappointed when it was basically a rough outline of what turned out to be then passed. Then several days later, or weeks later, the full order came out, 750 pages.

Now, don't you think that if you are going to vote on a proposed rule that you would know what the rule says before you vote on it? It seems rather simple, and I would expect that people that are watching this debate would think that a bureaucracy issuing a proposed rule, that there would actually be some discussion of it. So we're not just asking for simple things like that. And last, during this proposed rule, there's a time for comment. And at the end of the comment period this last time—and this is why a shot clock is really necessary—the FCC then dumped volumes of documents that it said it was going to use as evidence in this process, giving people 48 hours.
My friends on the other side of the aisle like reminding me that no Demo-
crat has been a bigger critic of the FCC than I have. They’re right. But that
doesn’t necessarily mean that I agree with what they’ve proposed to do in H.R. 3309. Instead of passing a bad bill which the FCC won’t understand, on which no adequate hearings have been held, and on which the industry is scared to death, we should get down to the busi-
ness of having decent proceedings in which we would go into this matter thoroughly. With a little bit of oversight, we will compel the Commission to come for-
toward the question of their accountability, of their transparency, and of their regulatory consistency.

This Commerce Committee has skinned many cats in my days with that authority, and by the great horn spoon, we could do it again. But we shouldn’t come on the floor waving a silly bill like this around which is going to do nothing to benefit society and the Committee doesn’t understand and cannot explain.

Now, if I have got any time left, I will yield to my friend from Oregon.

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

Mr. WALDEN. If the gentleman would yield, the only comment I would make is, we did have hearings on this legislation.

Mr. DINGELL. Of course, but they didn’t relate to the matters that you have brought before the House at this time. Micht can’t explain what’s in this bill, and nobody here knows what it does.

Mr. WALDEN. We can easily explain the bill. We know what’s in it. We’ve had a lot of work on it. We’ve done public hearings. We’ve listened to people. We’ve modified it to accommodate some of the great suggestions we have. We have bipartisan pieces in this bill. And the Commission still has the au-
thority to deny transfers of broadcast license. They just can’t go outside of their statutory authority to promul-
gate rules and kind of grab other issues and force people to do things that they couldn’t do under their statutory au-
thority.

I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chair-
man, I rise in strong support of H.R. 3309, the FCC Process Reform Act, and I would like to take a moment to com-
mand Communications and Technology Subcommittee Chairman GREG WALDEN for his leadership on this legislation and his diligent work in moving it through regular order.

Among the many reasons that it is necessary to make statutory reforms at the FCC, I would like to speak to one particular aspect of this legislation that I think is critically important to improving the way in which the FCC operates.

H.R. 3309 will require the FCC to es-
\n
establish shot clocks to set timelines to

compel the Commission to act. Under current law, where shot clocks are not compulsory, inconsistencies at the FCC continue to plague the telecommu-

nications industry and have placed un-
necessary burdens on our job creators. For example, there’s an Atlanta-based company that specializes in providing IT and communications services to small businesses across the country. They employ, Mr. Chairman, approximately 1,600 people, and like many employers within the in-
dustry, just want to wait on the whims of the FCC. Unfortunately, many case proceedings linger for years with no resolution, and this stifles growth for companies within the tele-
communications industry.

Just over 2 years ago, I, along with my former colleague and now Governor of Georgia, Nathan Deal, sent a letter to the FCC asking that they look closely at broadband infrastructure initia-
tives that would bolster one of our greatest assets for economic recovery—small businesses. In that letter we re-
ferenced a petition filed in November of 2009 that is now part of an FCC pro-
cceeding commonly referred to as the Business Broadband Docket, which is a proceeding focused on broadband infra-
structure universal access to serve small busi-

nesses. Mr. Chairman, both the peti-
tion and the Business Broadband Dock-
et remain pending at the FCC—not only with no resolution, but also no movement toward a conclusion.

This lack of movement at the FCC is unac-
ceptable and has occurred under both Democratic and Republicans. This anec-
dote highlights the need for a shot clock placed on the FCC. Not only do these shot clocks need to be established, but they also need to be hon-
ored. This alone will make the FCC work in a more efficient manner by creating more regulatory certainty in the telecommu-
nications industry.

I urge my colleagues to support establishing a shot clock at the FCC and support H.R. 3309.

CONGRESS OF THE UNITED STATES,

JULIUS GENACHOWSKI,
Federal Communications Commission,
12th Street, SW., Washington, DC

DEAR CHAIRMAN GENACHOWSKI, As you

know, the American Recovery and Reinvest-

ment Act requires you to develop a na-
tional plan to ensure that all Americans have access to broadband and the FCC must submit the plan to Congress by March 17, 2010. This plan should provide a strategy for achieving maximum utilization of broadband infrastructure and greater afford-

ability of broadband technology.

As our country grapples with the worst un-
employment numbers we have faced in deca-
des, it is critical that we do all we can to assist small businesses, the driving force of our economy. Yet continuing to add to the deficit is not the solution. The proposal Mr. Geiger outlines in the attached Opinion Edi-
torials would provide the impetus to create small businesses and enable them to implement their business plans, innovate and create jobs. At the same time, the in-
cumbent local exchange carriers would sell bandwidth at the same prices as they sell to any other customer.

The National Broadband Plan presents an

opportunity for the FCC to bolster one of our nation’s greatest assets for economic recov-
ery—small business. As members of the House Energy and Commerce Committee which has jurisdiction over this issue, we are hopeful that the FCC’s National Broadband Plan will include broadband initiatives which will specifically address the broadband needs of our small business community.

Sincerely,

NATHAN DEAL,
Member of Congress.

PHIL GINGREY,
Member of Congress.

[From the Atlanta Journal-Constitution, Dec. 20, 2009]

OPINION: A CASHLESS STIMULUS FOR SMALL
BUSINESS

(By Jim Geiger)

With the unemployment rate hovering around 10 percent and our economy still mired in recession, we need our small busi-
ness innovators and job creators now more than ever. Yet another round of fiscal stim-
ulus shouldn’t be the only option, particu-
larly when recent policy changes Amer-
icans are growing increasingly wary of adding more to the deficit and our national debt.

So what else can the Obama administra-
tion do to help small businesses? Simple: the government can quickly adopt a few sensible rule changes that will unlock the job-cre-
ating potential of broadband businesses and drive market-based investment in innovative technology. Call it a “cashless stimulus.”

The problem is that small businesses lack access to the most effective telecommu-
nications applications—those used routinely by larger firms. Why? The existing reg-
ulatory structure allows the big phone com-
panies to preserve market share by denying competitors access to fairly priced band-
width. The result is that the companies best able to build the innovative applications small businesses need to grow and compete are unable to access the bandwidth necessary to deliver those applications.

I should know: my company, Cheyond, pro-
vides broadband applications exclusively to small businesses. Back in 1996, Congress enacted far-sighted legislation that promoted competition in the two decades, and that action drove years of investment, inno-
vation and growth across our industry. New competitors introduced small businesses to innovative technologies that the Bell com-
}
to the large enterprise customers; telecom competitors—the companies that were once the catalysts of innovation—are left trying to serve small businesses, the jobs engine of our economy, with antiquated technology.

For example, because the Bells hoard the bandwidth they control, small businesses cannot hope to match large enterprises in the economics of information, for do current FCC rules allow small businesses the efficiencies and cost-savings of high-resolution video conferencing, highly secure data protection and sophisticated video security systems.

Broadband applications like these don’t get deployed because small businesses use the most innovative competitors are denied access to the bandwidth necessary to support them. Small businesses have no choice but to try to use 20th century business tools to create new jobs in a 21st century global marketplace.

This is not a minor issue. Small businesses inject almost a trillion dollars into the economy each year. They have created more than 93 percent of all new jobs over the last twenty years and employ more than half of the U.S. workforce. They also employ 41 percent of the nation’s high-tech workers who generate about thirteen times more patents per employee than do workers at large firms.

Hence, for the administration to adopt a “cashless stimulus”: the FCC can fix this problem simply and almost without cost. The FCC should require the Bell monopolies to retail price the bandwidth necessary for competitors like Beyond to provide next generation broadband applications to small businesses.

With new broadband rules in place, services like cloud computing could replace high-end desktop computers. Small businesses could look to carriers for affordable, offsite data centers, instead of paying more for onsite services. Reliance on expensive and inefficient travel for in-person meetings would give way to high-resolution video conferencing. Start-up costs for small businesses would fall as the hardware necessary for running their operations moved off the business premise and into the cloud. The list goes on and on.

It’s time we took advantage of the one approach to economic recovery that doesn’t come with a long-term economic cost.

Ms. ESHOO. Mr. Chairman, I would like to inquire about how much time we have remaining.

The Acting CHAIR (Mr. YODER). The gentlewoman from California has 17 1⁄4 minutes remaining. The gentleman from Oregon has 9¾ minutes remaining.

Ms. ESHOO. Thank you.

At this time, I yield 4 minutes to a very distinguished and valued member of the subcommittee, Mr. DOYLE of Pennsylvania.

Mr. DOYLE. Thank you to my colleague and friend, ANNA ESHOO, the ranking member of the Communications and Technology Subcommittee, for yielding.

Mr. Chairman, I rise today in opposition to H.R. 3309, the FCC Process Reform Act. This legislation would place severe procedural burdens on the FCC at a time when telecommunications is such a major part of the lives of my constituents and the American public.

H.R. 3309 would create harmful restrictions on the FCC’s ability to enact consumer protections, and it could also limit the Agency’s ability to respond to communications-related emergencies and cybersecurity threats.

One of the restrictions imposed by H.R. 3309, is the requirement that the FCC issue a Notice of Inquiry before the Agency begins work on an actual rulemaking. Mr. Chairman, I believe the FCC can demonstrate that a Notice of Inquiry is not necessary. A Notice of Inquiry, Mr. Chairman, is basically an information-gathering exercise that lets the public know about the FCC’s intention to examine an issue and collects initial comments. And while in many cases a Notice of Inquiry is a very important part of the FCC’s rulemaking process, a congressional mandate to conduct a Notice of Inquiry in every FCC proceeding would be an enormous procedural burden for the Agency.

Mr. Chairman, I am concerned that the potential impacts of this legislation have not been fully considered.

If I could, I would like to share just one example. One potential consequence of this legislation would have, even for bipartisan goals.

Last year, Congress enacted a bill that I authored to create more community-run radio stations around the country. This bill was widely supported by both sides of the aisle because so many of our constituents will benefit from more news reporting on local issues and emergency responses.

The FCC is currently implementing a plan that would open a window for radio station licensing sometime next year. But provisions in H.R. 3309, such as the requirement for a Notice of Inquiry, could slow down the implementation of this law and many other rulemakings by several years by adding procedural hurdles for the Agency to jump through before it can implement rules.

In the case of my legislation, the FCC would have to delay its licensing window by writing an unnecessary Notice of Inquiry, forcing communities to wait longer to get their new radio stations. I think most people would find this kind of delay very frustrating. And this is just one example, Mr. Chairman.

In the case of more contentious policy issues, this bill would create years, maybe decades of deadlock at the FCC.

Mr. Chairman, we don’t have to look very far this week to witness that our Nation’s laws and regulations are already being extensively litigated in the courts. This legislation would open up the FCC’s process to even further litigation, and it would severely limit the FCC’s ability to protect consumers and create new rules.

I urge my colleagues to oppose this bill.

Mr. WALDEN. Mr. Chairman, before I yield to my colleague from New Hampshire, I just want to point out that we’re not quite understanding the bill here, because of an unnecessary Notice of Inquiry, forcing communities to wait longer to get their new radio stations. This legislation would open up the FCC’s process to even further litigation, and it would severely limit the FCC’s ability to protect consumers and create new rules.

I urge my colleagues to oppose this bill.

Mr. WALDEN. Mr. Chairman, before I yield to my colleague from New Hampshire, I just want to point out that we’re not quite understanding the bill here, because of an unnecessary Notice of Inquiry, forcing communities to wait longer to get their new radio stations. This legislation would open up the FCC’s process to even further litigation, and it would severely limit the FCC’s ability to protect consumers and create new rules.

I urge my colleagues to oppose this bill.

Mr. BASS of New Hampshire. Mr. Chairman, I thank the gentleman from Oregon for yielding to me. He’s a co-sponsor of this legislation. I’m pleased that the House is considering it. It’s important to reform procedures at the FCC.

H.R. 3309 will improve the transparency, fairness, and consistency of this regulatory agency with oversight of high-speed internet service and broadband infrastructure. This investment has created countless jobs for our Nation and has positively affected our economy many times over.

H.R. 3309 contains the commonsense and nonpartisan thrust of ensuring transparency and accountability of unelected bureaucrats by applying the regulatory reform principles endorsed by the President’s own January, 2011 Executive order.

Establishing clear timeframes for requiring the FCC to perform a cost benefit analysis before implementing new regulations will provide our Nation’s small businesses and innovators with the regulatory certainty necessary to invest and create new jobs.

I urge passage of this important legislation.

Ms. ESHOO. At this time, I yield 3 minutes to the man that I call Mr. Telecommunications, the real expert in the House of Representatives, the gentleman from Massachusetts (Mr. MARKY).

Mr. MARKY. Thank the gentlelady so much.

I think all of us on the Democratic side would agree that if there were a way to streamline and strengthen the FCC’s procedures, and if we could find a way to improve the way in which it carries out its duties, well, we would support that. However, the aim of the Republican legislation is not to streamline the Federal Communications Commission; it is to straitjacket the Federal Communications Commission. This is a bill which would severely restrict the Commission’s ability to operate effectively.
If this bill becomes law, then the “FCC” would stand for “Fully Constrained Commission”; and that, ladies and gentlemen, is the goal of the Republicans in this legislation. It would establish a separate administrative process to govern the FCC’s internal operations that would be different from and more cumbersome than any other Agency’s in the entire Federal Government, without producing any policy benefits. 

Now, I don’t know who supports the bill. AT&T, big companies, they support this legislation. We also know who opposes this legislation. Every consumer group and every public interest group in the country says this is a particularly bad bill from a public interest perspective. But if you’re a big company, you’ll love this. This is going to tie the Commission in knots. You can continue to do whatever you feel like doing indeﬁnitely because the Republicans have decided to create the most cumbersome—the most cumbersome—regulatory process of any Agency in this country.

They’re a model. They’re pioneers here, the Republicans out here on the ﬂoor. They want to create the most bureaucratically bueaucratic process than I’ve just seen. They want to make it more effective. ’’

I commend the chairman for bringing this process reform bill forward. I think that they are common sense. It is generally recognized that the FCC has improved its practices and procedures to make it more effective.

Mr. WELCH. This is a bad bill. H.R. 3309 would create a special set of very vague and unique procedural hurdles for the FCC that apply to no other Agency. It will result in decades of litigation.

We have to have simplicity, and we have to have clarity. This legislation will open up the floodgates of confusion. It signiﬁcantly reduces the FCC’s ability to take the public into account, and that is the fundamental interest that should be on the minds of this Congress.

It provides endless routes for potentially misguided litigation making every single one of the FCC’s regulatory analyses in support of a new rule, not just the rule itself, subject to judicial review. There’s going to be regulation or not regulation. This legislation means there’s endless litigation.

Chairman, in this bill, I don’t find the common sense. It is generally recognized that the FCC has improved its practices and procedures to make it more effective.

Mr. WALDEN. May I inquire as to the time remaining on each side? The Acting Chairman, the gentleman from Oregon has 3½ minutes remaining, and the gentlewoman from California has 9½ minutes remaining.

Mr. WALDEN. I yield 2 minutes to the gentleman from Texas, the distinguished former chairman, my friend, Mr. BARTON.

Mr. BARTON asked and was given permission to revise and extend his remarks.

(Revised remarks submitted.)

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

Texas Congressmen don’t often quote Shakespeare, but I’m going to attempt it. There’s a line in Hamlet that goes something to the effect: Methinks the lady doth protest too much.

And my friends on the Democratic side of the aisle seem to be protesting too much. It’s a very modest bill, 20-something pages in length. It’s basically a good government bill.

The bill basically says that the FCC, before they issue a rule, they’ve got to actually put it out for public comment for at least 30 days. Then once they formalize it, they have to let people have another 30 days to comment on what they actually are proposing.
Subcommittee Chairman WALDEN circulated a draft bill. To my knowledge, he circulated it to the entire committee and to the industry and the stakeholders. I know in my case I had a few modest suggestions that were incorporated in the bill. Then when it went to the committee, I offered an amendment that was accepted.

He did the same process at full committee.

It came to the Rules Committee. I'm told there were 10 amendments that had been made in order, with eight of those by my friends on the Democratic side of the aisle. We’ll have that debate and the vote on those later today or tomorrow.

So here you have a very modest bill with good government transparency reporting that brings the FCC into the 21st century on how to do business, and you would think that we’re going back to the dark ages. Nothing could be further from the truth.

I’m in very strong support of the process, which is important, and also the policy and the legislation that has resulted from it. I would hope that on a bipartisan basis, at the appropriate time, we vote in the affirmative on H.R. 3309.

It’s a good piece of legislation. It can pass the Senate. It can be signed by the President, and it should be.

Ms. ESHOO. Mr. Chairman, I would like to use some of our remaining time on the floor to respond to several points that have been raised by my colleagues on the other side of the aisle.

First, while the majority argues that H.R. 3309 is only a “light touch” in making sure that the FCC follows the Obama Executive order on cost-benefit analysis, they failed to mention that such cost-benefit review is not judicially reviewable. That’s a very important fact here.

The Executive order states that it’s “not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law, or in equity by any party against the United States.”

H.R. 3309, therefore, would create another avenue for appeal and litigation by corporate interests that oppose the FCC’s efforts to take actions in the public interest, and no other Federal Agency would be subjected to such challenges. That’s number one. That speaks to the public interest which, I think, is at the heart of what the FCC’s responsibilities are.

Second, Mr. GINGREY mentioned the shot clocks. There are 73 types of proceedings the FCC must consider, and each item can be, as we all know, one of 20 additional employees.

Third, any increase placed in the Reform those that support the bill—even Mr. MARKLEY spoke of some of the large telecommunication companies—I think it’s important to set down for the record who opposes the bill and what they have to say about it.

Bruce Gottlieb in the National Journal:

Layering new procedural requirements on top of existing ones would effectively halt the creation of even the most innocuous new FCC rules—in other words, achieve a result more or less like what Texas Governor Rick Perry had in mind for the Commerce and Education Departments.

Susan Crawford in Wired Magazine:

Although the bill’s proponents say they aim to make things work more quickly at the FCC, the legislation will have the opposite effect: it will send the FCC to deal with any of the real-time telecom problems the country faces. What the Republicans seem to want, at bottom, is to grant the giant companies that sell us basic communications capacity—an essential utility for the 21st century—the ability to throw sand in the works at every opportunity.

From Philip Weiser, the dean at the University of Colorado Law School:

I am against passing this bill, which would give rise to unfortunate and unintended consequences that would undermine the FCC’s future effectiveness without providing any real benefits.

From the Consumers Union:

The bill would require the FCC to adopt rules as long as they do not impose an additional burden on industry. The bill limits the FCC’s ability to consider the public interest and protect consumers when considering mergers.

Mr. Chairman, this is no small item.

Then the Public Interest Groups Coalition letter of February 9 of this year:

These bills would severely hinder the FCC’s ability to carry out its congressional mandate to promote competition, innovation, and the availability of communication services.

With that, Mr. Chairman, I would like to inquire how much time we have left on our side.

The Acting CHAIR. The gentlewoman from California has 5½ minutes remaining.

Ms. ESHOO. I will reserve that time.

Mr. WALDEN. Given the limited amount of time we have, I will reserve as well.

Ms. ESHOO. I yield back the balance of my time.

The Acting CHAIR. The gentleman from Oregon is recognized for 1½ minutes.

Mr. WALDEN. I thank the Chairman.

I appreciate the debate we’ve had today. I think it’s been helpful. It hasn’t always been enlightening, but it’s been helpful.

Again, I would point out that the National Association of Regulatory Utility Commissioners praises what we’re doing in this bill and the points of requiring actual language to be available for people.

All we’re doing here is telling the FCC to operate like these other Agencies have been asked to operate by the President’s jobs council and by the President’s Executive order, but do so in a public and transparent way so that those who have business before the Commission know what the Commission is going to vote on before it votes or rewrites it and then puts it out later. Go out and survey the market and come back with a notice of inquiry, and get input like we do in hearings here.

Mr. Chairman, and then propose rules and put those texts out there of those rules and let the public see.

The great defenders of the bureaucracy, my friends, some of them on the other side of the aisle, say, Oh, you can’t change anything in Washington.

That’s what we’ve heard for 40 years. Some of us came here to change Washington for the better. We did it when we changed the rules of the House at the beginning of this session to make our procedures more open and transparent.

My friends on the other side of the aisle were part of the effort that crammed a 2,000-page bill through here with no amendments allowed on the floor, one of which is being argued today across the street at the Supreme Court. The Republicans were denied the opportunity to offer a single amendment on the health care take-over bill on the House floor. They were denied every single amendment when those bills would come to the floor at thousands of pages. We’ve changed how the House operates so that can’t happen again.

This bill is here under a modified open rule. The minority has 10 amendments on the floor. We had open markups in subcommittee and full committee.

What we’re saying is we are here as Republicans to change Washington for the better. This bill does that. I urge your support.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in opposition to this bill. That is not to say that I am pleased with how this FCC has conducted its business.

It has been slow and evasive when responding to inquiries from myself and my colleagues on important matters pending before the Commission.

It has taken an activist approach to regulating, as we saw with their network neutrality proceeding.

It wrongly squelched a merger that stopped an American company from acquiring a foreign owned competitor and then released proprietary and confidential information in what appeared to be an effort to salt the earth for any future attempts at a similar deal and influence the proceeding at the DOJ. This has set a troubling precedent.

Not everything that this FCC has done is bad. While I opposed the Comcast/NBC merger, I am appreciative that the FCC had the latitude to impose conditions. For instance, my constituents will benefit from the conditions that preserve localism and diversity. It included an additional 1,000 hours annually of locally produced news and information to be aired by NBC’s and Telemundo’s owned and operated stations, as well as quarterly reports.
from Comcast-NBCU detailing the number, nature, and duration of these additional local news and information programs. This condition would not be possible under H.R. 3309.

I believe the FCC plays an important role; it is a necessary agency and can foster innovation and economic growth. But when the FCC again uses a pattern of overreach, of regulatory strong arming, and aggressive actions aimed at achieving an agenda, rather than implementing the laws passed by Congress.

The FCC process is in need of reform, but the Republican proposal before us today is not the answer.

Mr. WAXMAN. Mr. Chair, I urge support for the amendment offered by Representative ESHOO.

This is a straightforward amendment that will encourage transparency by requiring entities sponsoring political advertising to disclose the identity of any donors that have contributed $10,000 or more to such entity over a 2-year election reporting period.

Notably, this amendment applies equally to broadcasters, cable providers, and satellite providers, and it does nothing more than update what is required to be placed in the political file.

Based on concerns raised by members of the committee at markup, Ms. Eshoo modified the amendment to explicitly state that broadcasters as well as cable and satellite providers will not be held liable for any inaccuracies in the information provided under this amendment.

Today, FCC rules require broadcasters, cable providers, and satellite providers to maintain and make available for public inspection requests to purchase airtime related to political advertising.

There is no requirement, however, to disclose who actually pays for such advertisements. Rather, the file simply needs to contain the name of the person or entity requesting such airtime.

As a result, it is easy to see how viewers might be confused about who is actually financing the advertisements they see and hear every day. Mild sounding names like "Taxpayers Against Something" can hide the fact that the advertisement is actually being funded by a corporation or a limited group of wealthy individuals.

Political ads can have a great impact on the outcome of an election because the broadcast medium has the ability to reach vast numbers of citizens. This amendment simply recognizes the incredible impact such advertising can have on the outcome of an election.

I think we can all agree that $10,000 indicates a significant commitment of resources, and the public should be made aware of who is paying such sums and for what.

Mr. Chair, this amendment has broad support from numerous organizations that advocate on transparency issues like this, including the Campaign Legal Center, Citizens for Responsibility and Ethics in Government, Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and the Sunlight Foundation.

I urge a yes vote on the this important amendment.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 3309, the FCC Process Reform Act. Although the bill’s proponents say the legislation is drafted to make the FCC operate more quickly and efficiently, I believe the bill will have the opposite effect.

On the surface H.R. 3309 appears innocent—directing the FCC to do what it already does: analyze the potential harm its rule-making might have on markets, public institutions, and consumers. The problem is that under this bill, FCC procedure would change to require it to formally file its analysis before issuing its ruling. That analysis would be subject to unending litigation and the additional level of procedure will significantly impair the FCC’s flexibility to respond in real-time to challenges and exposés to unnecessarily burdensome litigation. This change would hurt companies and consumers alike.

If this bill becomes law, all of the FCC’s rulemaking will be subjected to judicial review. Corporations seeking to avoid oversight would have new grounds to sue the FCC just because they disagree with the agency’s reasoning. The FCC could be tied up in litigation for years debating whether a cost-benefit-analysis they did was thorough enough or whether sufficient regard was paid to the potential impact of a rule or a proposed amendment of an outgrowth of the specific language of a proposed rule or a proposed amendment of an existing rule included in a notice of proposed rulemaking, as described in subparagraph (B) of paragraph (3).

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

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3309

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 Communications Commission Process Reform Act of 2012.”

SEC. 2. FCC PROCESS REFORM.

(a) In General.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 12 the following new section:

SEC. 12. TRANSPARENCY AND EFFICIENCY.

(1) REQUIREMENTS FOR RULEMAKING.—(A) RULEMAKING REQUIREMENTS.—The Commission may not issue a notice of proposed rulemaking unless the Commission provides for a period of not less than 30 days for the submission of comments and an ad-

ditional period of not less than 30 days for the submission of reply comments on such notice and the Commission includes in such notice the following:

(A) Either—

(ii) an identification of—

(I) a notice of inquiry, a prior notice of proposed rulemaking, or a notice of proposed rulemaking issued by the Commission during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and of which such notice is a logical outgrowth; or

(II) an order of a court reviewing action by the Commission or otherwise directing the Commission to act that was issued by the court during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and in response to which such notice is being issued; or

(iii) a finding (together with a brief statement of reasons therefor)—

(I) that the proposed rule or the proposed amendment of an existing rule will not impose additional burdens on industry or consumers; or

(II) for good cause, that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.

(B) The specific language of the proposed rule or the proposed amendment of an existing rule included in a notice of proposed rulemaking, as described in subparagraph (B) of paragraph (3).

(C) In the case of a proposal to create a program activity, proposed performance measures for evaluating the effectiveness of the program activity.

(D) In the case of a proposal to substantially change a program activity—

(ii) a proposed finding that existing performance measures will effectively evaluate the program activity as proposed to be changed; or

(ii) proposed performance measures for evaluating the effectiveness of the program activity as proposed to be changed.

(2) REQUIREMENTS FOR RULES.—Except as provided in section 3(b) of the Communications Act of 1934, the Commission may not adopt or amend a rule unless—

(A) the specific language of the adopted rule or the amendment of an existing rule is a logical outgrowth of the specific language of a proposed rule or a proposed amendment of an existing rule included in a notice of proposed rulemaking, as described in subparagraph (B) of paragraph (3).

(B) such notice of proposed rulemaking—

(i) was issued in compliance with such paragraph and during the 3-year period preceding the issuance of the rule or the amendment of an existing rule; and

(ii) is identified in the order making the adoption or amendment.

(C) in the case of the adoption of a rule or the amendment of an existing rule that may have an economically significant impact, the order contains—

(i) an identification and analysis of the specific market failure, actual consumer harm, burden of existing regulation, or failure of public institutions that warrants the adoption or amendment; and

(ii) a reasoned determination that the benefits of the adopted rule or the amendment of an existing rule justify its costs (recognizing that some benefits and costs are difficult to quantify), taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives;

(D) in the case of the adoption of a rule or the amendment of an existing rule that creates new program activity, the order contains performance measures for evaluating the effectiveness of the program activity; and

(E) in the case of the adoption of a rule or the amendment of an existing rule that substantially changes a program activity, the order contains—

(i) performance measures for evaluating the effectiveness of the program activity as changed; or

(ii) a finding that a rule or the amendment of an existing rule will not impose additional burdens on industry or consumers; or

(III) an order of a court reviewing action by the Commission or otherwise directing the Commission to act that was issued by the court during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and in response to which such notice is being issued; or

(iii) a finding (together with a brief statement of reasons therefor)—

(I) that the proposed rule or the proposed amendment of an existing rule will not impose additional burdens on industry or consumers; or

(II) for good cause, that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.
“(ii) a finding that existing performance measures will effectively evaluate the program activity as changed.

(3) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

(b) IN GENERAL.—In altering the Commission’s rulemaking procedures for the purposes of analyzing the effects of a proposed rule, the Commission shall ensure that—

(1) the Commission considers, in a transparent manner, any public comments and other relevant information;

(2) public comments that are solicited under a specific deadline shall be reviewed and considered by the Commission in a timely manner; and

(3) the Commission shall adopt final rules consistent with the findings and conclusions of the Commission.

(c) PUBLIC ACCESS TO COMMISSION RECORDS.—The Commission shall make public, or cause to be made public, any record of any dissemination or decision reached in a hearing under section 5(b)(1) that contains information that is not otherwise available to the public under section 5(e).
“(3) NO EFFECT ON DEADLINES FOR PUBLICA-
TION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement for such document, including the requirement of paragraph (1).

“(m) CONSUMER COMPLAINT DATABASE.—

“(1) IN GENERAL.—In evaluating and pro-
cessing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that:

(1) facilitates easy use by consumers; and

(2) to the extent practicable, is sortable and accessible by:

(i) the date of the filing of the complaint;

(ii) the topic of the complaint;

(iii) the party complained of; and

(iv) other elements that the Commission con-
siders in the public interest.

“(2) DUPLICATE COMPLAINTS.—In the case of multiple complaints arising from the same alleg-

ded misconduct, the Commission may comply with such deadline by publishing the document in another form that the Commission is required to use or is permitted to and chooses to use.

“(2) EXCEPTION.—The Commission shall by rule establish procedures for redacting docu-
ments required to be published by this section so that the published versions of such documents do not contain—

(1) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

(2) information that is proprietary or con-

fidential.

“(o) DEFINITIONS.—In this section:

“(1) AMENDMENT.—The term ‘amendment’ in-
cludes, when used with respect to an existing rule, the deletion of the rule.

“(2) BIPARTISAN MAJORITY.—The term ‘bipar-
tisan majority’ means, when used with respect to a group of Commissioners, that such group—

(A) is a group of 3 or more Commissioners; and

(B) includes, for each political party of which there is a member, at least 1 member, and 1 Commissi-

ioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least 1 unaffiliated Commissi-

oner.

“(3) ECONOMICALLY SIGNIFICANT IMPACT.—The term ‘economically significant impact’ means an effect on the economy of an amount that is greater than or equal to $100,000,000 or more an-

ually or a material adverse effect on the econ-

omy, a sector of the economy, productivity, com-

petition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

“(4) PERFORMANCE MEASURE.—The term ‘per-
fomance measure’ means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

“(5) PROGRAM ACTIVITY.—The term ‘program activity’ means a collection or dis-

cussion. The Commission may recommend an amount that is greater than or equal to $100,000,000.

“(6) OTHER DEFINITIONS.—The terms ‘agency action’ or ‘rulemaking’ and ‘rule’ have the meanings given such terms in section 551 of title 5, United States Code.”.

“SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to the Consumer Inquiries and Complaints Act of 1991, as added by subsection (a), shall begin applying on the date that is 6 months after the date of the enact-

ment of this Act.

“(b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

“(1) EFFECTIVE DATE.—

(A) IN GENERAL.—The requirements of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the date that is 6 months after the date of the enact-

ment of this Act.

“(B) PRIOR NOTICE OF PROPOSED RULE-

MAKING.—If the Federal Communications Com-
mission identifies under paragraph (2)(B)(ii) of subsection (a) of such section 13 a notice of pro-

posed rulemakings prior to the date of the enactment of this Act—

(i) such notice shall be deemed to have com-

plied with paragraph (1) of such subsection; and

(ii) if such notice did not contain the specific language of a proposed rule or a proposed amendment of an existing rule, paragraph (2)(A) of such subsection shall be satisfied if the adopt-

ed rule or the amendment of an existing rule is a logical outgrowth of such notice.

“(C) SCHEDULES AND REPORTS.—Notwith-

standing subparagraph (A), subsections (b)(1) and (i) of such section shall apply with respect to 2013 and any year thereafter.

“(2) RULES.—The Federal Communications Com-
mission shall promulgate the rules nec-

essary to carry out such section not later than 1 year after the date of the enactment of this Act.

“(3) PROCEDURES FOR ADOPTING RULES.—Not-

withstanding paragraph (1)(A), in promulgating rules to carry out such section, the Federal Communications Commission shall comply with the requirements of subsections (a) and (h)(2) of such section.

“SEC. 4. EFFECT ON OTHER LAWS.

Nothing in this Act or the amendment made by this Act shall relieve the Federal Communica-

tions Commission from any obligations under title 5, United States Code, except where other-

wise expressly provided.

“The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–422. Each such 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 con-

trolled by the proponent and an oppo-

sition, shall not be subject to amend-

ment, and shall not be subject to a de-

mand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–422.

Mr. CROWLEY. 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 7, line 5, strike “and”.

Page 7, line 15, strike the period and insert “;”.

Page 7, after line 15, insert the following:

“(F) in the case of the adoption of a rule or the amendment of an existing rule relating to baby monitors, such rule as adopted or amended requires the packaging of an analog baby monitor to display a warning label stating that sounds or images captured by the baby monitor may be easily viewed or heard by potential intruders outside a con-

sumers’ home.”
Parents have no greater concern than the well-being of their children and their families, and they deserve full information about the products they are purchasing. It comes down to making sure that parents are aware of any potential dangers. A clear warning system will help arm parents with the information they need to make the best decision for their family.

I have written to the FCC about this issue, as well as the Federal Trade Commission and the Consumer Product Safety Commission. There is, indeed, an interest in addressing this problem, and I hope passage of this amendment will send a clear message to the agencies with jurisdiction over these products that we need to find a way to move forward and get this matter addressed.

I ask for support for this amendment. I yield back the balance of my time.

Mr. WALDEN. I share the gentleman's concerns that he raised. A lot of people do not understand that, especially in the area of unlicensed spectrum, you don't have a right to a protective communication. And certainly, in the analog world, you can listen in. We all know that from CB radios and things of that nature and family networks—you hear other people talking. This is an issue of concern, certainly, because all of us want to protect our families, those of us who have children. Mine now much older than that at nearly 22.

But this is certainly an issue, and I appreciate the gentleman raising it. I know he has legislation, although I would say this is the wrong vehicle for that purpose. This is an FCC process reform bill, not a labeling bill, and the FCC does not use the phrase "baby monitor" in any of its rules, so, in effect, this labeling requirement may never take effect anyway.

And if the labeling requirement does take effect, it may cause some consumer confusion because you'd treat all analog monitors, perhaps, as unsafe and digital monitors as safe, even if that's not true for a particular brand of baby monitor.

So I oppose this amendment, and would encourage my colleagues to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Acting Chair announced that the noes appear to be it.

Mr. CROWLEY. 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 New Jersey will be postponed.

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 112–422.

It is now in order to consider amendment No. 4 printed in House report 112–422.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–422.

Ms. ESHOO. Mr. Chairman, I seek to offer the amendment at the desk.

The Acting CHAIR will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 21, insert the following (and redesignate subsequent provisions accordingly):

(4) CERTIFICATIONS REGARDING IDENTITY OF DONORS FOR PUBLIC INSPECTION FILES.—

(1) IN GENERAL.—The Commission shall revise its rules to require the public inspection file of a broadcast licensee, cable operator, or provider of direct broadcast satellite service to include, from each entity sponsoring political programming, a certification that identifies any donors that have contributed a total of $10,000 or more to such entity in an election reporting cycle.

(2) ACCURACY OF INFORMATION.—A broadcast licensee, cable operator, or provider of direct broadcast satellite service may not be held responsible for an inaccuracy in a certification filed under this subsection, unless such licensee, operator, or provider had actual knowledge, at the time such certification was filed, that such certification was false or fraudulent.

(3) DEFINITIONS.—In this subsection:

(A) CABLE OPERATOR.—The term "cable operator" has the meaning given such term in section 602.

(B) DBS ORIGINATION PROGRAMMING.—The term "DBS origination programming" has the meaning given such term in section 25.701 of title 47, Code of Federal Regulations.

(C) ELECTION REPORTING CYCLE.—The term "election reporting cycle" means, with respect to a request to purchase time by an entity sponsoring political programming, the 2-year period that begins on the date of the most recent general election for Federal office preceding the request.

(D) GENERAL ELECTION.—The term "general election" means an election occurring on the first Tuesday after the first Monday in November of an even-numbered year.

(E) ORIGINATION CABLECASTING.—The term "origination cablecasting" has the meaning given such term in section 76.5 of title 47, Code of Federal Regulations.

(F) POLITICAL PROGRAMMING.—The term "political programming" means programming that communicates a message relating to any political matter of national importance, including a legally qualified candidate for public office, any election to Federal office, or a national legislative issue of public importance.

(G) PROGRAMMING.—The term "programming" means—

(i) with respect to a broadcast licensee, broadcast programming;

(ii) with respect to a cable operator, origination cablecasting; and

(iii) with respect to a provider of direct broadcast satellite service, DBS origination programming.

(H) PROVIDER OF DIRECT BROADCAST SATELLITE SERVICE.—The term "provider of direct broadcast satellite service" has the meaning given such term in section 335.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I come to the floor this afternoon to offer an amendment to this bill that probably, for most people, as they were tuned in and listening to the discussion and the debate of the bill, may not have gotten too excited about it because it deals with the innards of an agency. But this amendment, I think, is one of the most important parts of the bill, and I'm very pleased that the Rules Committee found it in order.

This amendment goes to the heart of our democracy, and it's all about disclosure. We have the opportunity today to secure disclosure in political reporting for the voting public.

There's something very sick about our system today. People across the country are deeply and profoundly upset about the untraceable sums of money that are being poured over and through our political system. And when that happens, it goes right to the heart of democracy.

Why? Because it's undisclosed. We do not know who's contributing. We don't even know if foreign countries are involved in this.

So this is really a very simple amendment. It's an amendment that adheres to the same principles that many of my colleagues, Democrats and Republicans, have supported before, and it works like this: If an organization buys political advertising time on broadcast television, on radio, on cable, or on satellite, they would be required to disclose their large donors, those who give $10,000 or more to air the ad.

There is today, in statute, section 315 of the Communications Act—and it's been in place since 2002—that covers national legislative issues of public importance. It also covers legally qualified candidates, or any election to Federal office. So there's something already in place. The only thing that's being added to this is that if you're going to buy time, $10,000 or more, that you are required to disclose and name who the donors are, who's contributing that money.

I think that this is very important. We are a democracy. We're not a plutocracy. What I hear over and over and over and over again from my constituents is the damage that Citizens United has done. The case that the Supreme Court rendered the decision—I think a disastrous one—2 years ago. We have the jurisdiction at the Energy and Commerce Committee and this subcommittee; it is within our jurisdiction to take this up in this bill.

There is something else. Some people have said that this is burdensome—burdensome for broadcasters, burdensome for those that broadcast...
television, burdensome to radio, burdensome to satellite. They're not the ones that have to disclose, only those that buy the time.

And the files exist today. There is one file—one file only—now there are other files for other responsibilities, but there's only one for political ads. Is America and our democracy not worth requiring those that want to buy the political ads to disclose who they are above $10,000? And that’s it. So the law is already in place since 2002. The file is already there. There is no burden to the broadcasters, radio, TV, satellite, cable, as I said, but simply to report.

Now, there are those that say that that would be burdensome, that that would be burdensome as well. My question is, How heavy a burden is it? How heavy of a burden, how heavy of a lift is it to report and disclose to the American people? The American people have a right to know; and once they know, if they feel the disinfectant, they will make up their own minds.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WALDEN. I don’t rise in opposition to disclosure. I think it’s a good thing if it’s done in the proper venue in the proper way. And that’s not on this particular bill.

A similar amendment was brought before the full committee and rejected by the full committee. It has since been rewritten. It’s better than what came before the full committee, and I commend my friend from California for that. But the way that this is written, I believe that it has lots of unintended consequences that can be difficult and doesn’t accomplish what she’s trying to accomplish in an effective way.

For example, my colleagues in the Chamber, you all would have to disclose, when you go to inquire about the purchase of time now in radio, TV, or satellite, your $10,000 donors. So any PAC that gave you $10,000 in the last 2 years would have to be listed. Now, my colleague from California, that would be like Abbott Labs and Google that gave you 10, and I’ve got some that gave me 10. You’d have to do that and disclose that wouldn’t have to do money you got from others.

But here’s the deal, because I looked this up last night about one in the morning. I couldn’t sleep. I was on west coast time, and so I went to the site where this stuff is disclosed—for us, that’s the Federal Election Commission site. So I could easily find all the documentation for my dear friend—I just happened to go to her contribution history for last year. And only $30,000 of the $296,817 that she got from PACs would be disclosed as a result of this, which is about 10 percent. But she was able to have another $400,000, or thereabouts, from individuals. So you’re really down to only seeing a tiny little window of about 5 percent, or less, that would be disclosed in the public file of a broadcast, satellite, or cable operator, or radio, which, by the way, is all on paper, at least for now, and not online. I was able to ferret out this information only last night, one in the morning, or thereabouts.

The other thing it does, I think it draws in every candidate in America the way this is listed. Because when you read the actual language of the amendment, it does require the first Amendment rights. And it defines it as meaning “programming that communicates a message relating to any political matter of national importance.”

So I’m thinking about a city that’s having a fight with the Federal Government over some new Federal regulation. That would be an issue of national importance; or if in a local community they were fighting about something, again, that, I don’t know. Section 526 of the Federal Communication Act gives the FCC the power to do that.

So then you have public broadcasting that could be pulled into this because they have people that underwrite programming that deals with issues of national importance. So could that be that they would have to disclose somehow everybody that’s paying for that programming? Then you have the creative minds of the people who try to hide from disclosure. This would be real simple under this amendment because it says the look-back period is back to the last Federal general election. Whatever donors you’ve had at $10,000 would have to be reported before you could inquire about buying time and purchasing programming. And it defines it as meaning “programming that communicates a message relating to any political matter of national importance.”

Further, the language talks about a legally qualified candidate for public office. So that would seem to be any candidate for public office, just as it is.

So then you have public broadcasting that could be pulled into this because they have people that underwrite programming that deals with issues of national importance. Further, the language talks about a legally qualified candidate for public office. So that would seem to be any candidate for public office, just as it is.

And the files exist today. There is no burden to accomplish in an effective way. It has since been rewritten to accomplish the goal, and the amendment I am going to offer.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. WALDEN

Mr. WALDEN. Mr. Chairman, on behalf of Mr. DIAZ-BALART, I have an amendment I am going to offer.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 13, insert the following (and redesignate subsequent provisions accordingly):

“(g) TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by including the following:

“(1) Publishing on the Commission’s website the Commission’s logs for tracking, responding to, and managing requests subcontracted such actions for the Commission’s fee estimates, fee categories, and fee request determinations.

“(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission’s Bureaus and Offices) granting or denying requests filed under such section, including any such decisions not pertaining to the charging and application of fees assessed under such section.

“(3) Publishing on the Commission’s website electronic copies of documents released under such section.

“(4) Presenting information about the Commission’s handling of requests under such section in the Commission’s annual budget estimates submitted to Congress and the Commission’s annual performance and financial reports. Such information shall include the number of requests under such section to which the Commission responded in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission’s_processing requests over at least the previous 3 fiscal years, and a comparison of the Commission’s results with the most recent average for the United States Government as published on www.foia.gov.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Oregon (Mr. WALDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, throughout the course of the debate today on the floor we’ll have amendments offered by Republicans and Democrats, a total of potentially 10. This is one offered by my colleague from Florida (Mr. DIAZ-BALART), which we will be supportive of. There will be at least one amendment on the other side we will be supportive of as well.

This one will require the FCC to make additional disclosures on its website and in its annual budget regarding its processing of Freedom of Information Act requests. I think this does fall
Mr. WALDEN. This amendment from New York.

Mr. OWENS. Mr. Chairman, I rise in support of my amendment to H.R. 3309, the Federal Communications Commission Process Reform Act.

I see the committee's cost-benefit analysis is an important factor that independent agencies should consider before issuing new rules and regulations. To that end, I have supported bipartisan legislation that would require other agencies, like the CPE and the SBA, to conduct similar analyses.

Mr. Chairman, in our efforts to change the rulemaking process at the FCC, it is important that we consider unintended consequences. My amendment is very simple and limited in scope. It simply expresses that nothing in this act shall impede the FCC from implementing rules to ensure broadband access in rural areas. I would like to clarify that this amendment is not intended to influence the current proceeding of the FCC's changes to the Universal Service Fund. Last year, I introduced legislation that would direct the Department of Agriculture to craft a comprehensive plan to expand broadband access to rural America. If such a plan were enacted under the bill we are considering today, the FCC would likely be required to conduct additional market surveys and analysis that could delay its implementation.

New York's 23rd Congressional District is 14,000 square miles and encompasses a large portion of the State's rural communities. My amendment would simply ensure that the development of much-needed broadband in rural areas, like in my congressional district in upstate New York, is not held up by the increased requirements imposed by the FCC under this bill.

Whether it is a small business in Massena, Watertown, Oswego or in Plattsburgh who wants to market its products to customers in Canada or to a hospital that is able to save a life by accessing patient records, access to broadband is critical to creating jobs and growing the economy in rural New York and in rural regions across the country. In many of these areas, there is simply insufficient demand for private industry to justify the cost of building out their networks. Congress must be prepared to help develop this infrastructure to ensure our economy is competitive in the global marketplace. I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I rise in opposition to the amendment.

The Chair recognizes the gentleman from Oregon.

Mr. OWENS. Mr. Chairman, I rise in support of my amendment to the Universal Service Fund. We are not in any way attempting to impact that. In addition, what we're really asking is that the FCC take into account in its rulemaking process the rural broadband needs. We are not exempting it from the process but are simply asking that that be taken into account as
they go through the process. There is no exemption intended here.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

The gentleman from New York (Mr. OWENS) yielded back.

Mr. AL GREEN of Texas. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMATION.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to authorize the FCC to mandate, order, or require the public to imminently disable the agency and stymie the commission’s ability to fulfill its most basic mission: to protect innovation while protecting the public interest. The U.S. has led the world in developing policies to unleash spectrum for mobile investment and innovation.

The economic benefit created by unlicensed spectrum alone is estimated at $37 billion a year. In 2011, the U.S. tech sector grew three times faster than the overall economy. This is success, and one should do nothing to stymie that success.

The U.S. has regained global leadership in mobile innovation. We are ahead of the world in deploying 4G mobile broadband, and those next-generation mobile networks are projected to add more than $68 billion in GDP growth over the next 4 years. Internet startups attracted $7 billion in venture capital last year, almost double the 2009 level. The apps economy alone has generated more than 500,000 jobs, and many of those are right smack-dab in my district. You know them: Google, YouTube, and Facebook.

Rest assured, the innovation is continuing. For example, JellyHello is a small technology company with about 15 employees, and it’s located right across the street from my district office. It’s already received $2 million in angel and venture capital. It allows crowdsourcing of radio playlists. You vote for what you want to hear, and the band or subject with the most votes gets played. They just received a local business award for small technology company of the year.

Another is Storm8, the creator of the number one role-playing games on iPhone, iPad, iPod touch, and Android devices and parent company of the number one mobile social game developer, TeamLava. Started in 2009, Storm8 has unlocked millions of opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for VMware, the creator of the mobile gaming industry, celebrating its first million-dollar day in June of last year.

These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked more opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for VMware, the creator of the mobile gaming industry, celebrating its first million-dollar day in June of last year. These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked more opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for VMware, the creator of the mobile gaming industry, celebrating its first million-dollar day in June of last year.

These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked more opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for VMware, the creator of the mobile gaming industry, celebrating its first million-dollar day in June of last year. These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked more opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for VMware, the creator of the mobile gaming industry, celebrating its first million-dollar day in June of last year. These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked more opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a $68 billion global industry that is growing 17 percent annually. In fact, my son is now working for VMware, the creator of the mobile gaming industry, celebrating its first million-dollar day in June of last year.
confusion for the FCC and innovative businesses that interact with the agency. It also severely undermines the FCC’s ability to develop sensible conditions to protect consumers and ensure competition.

I am a strong component of congressional oversight over agencies within our jurisdiction. That’s part of our job. But we have to make sure that the FCC has the tools to do its job as well. So before we risk millions of jobs affected by the important work of the FCC, let’s work together to find common ground that will not affect our innovative economy. I urge support of this amendment, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

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

Mr. KINZINGER of Illinois. Mr. Chairman, I appreciate the gentlewoman bringing the amendment forward.

I rise in opposition to it today because in essence what it does is implements a study on the idea of these reforms. These reforms, again, are very basic. This just says, hey, a lot of these are already in place. It opens up the process to the American public. We believe in an open transparent government, an open and transparent system.

This puts a study on the bill that simply has no timeline to it. Let me give you a quick example. The FCC is already behind on completing its reports. It didn’t finish its satellite competition report for 2008 until 2011 and still hasn’t finished the 2010 report on media ownership. So let’s just be very honest with this. This is an attempt to kill this bill. This is an attempt to put a study on it that has no time line and simply allows the FCC to indefinitely delay the reforms that I think, frankly, the American people are demanding of Congress, demanding of Washington, which is to just open up government, let us know that going on, be transparent. That’s basic. That’s what we stand for.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER). The amendment was rejected.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. KINZINGER of Illinois) assumed the chair.

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. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

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

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

The Committee resumed its sitting.

[170]

AMENDMENT NO. 10, AS MODIFIED, OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 10 in House Report 112-422.

Ms. ESHOO. Mr. Chairman, I rise to offer an amendment that is actually Ms. CLARKE’s of New York that I am offering on her behalf.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from ensuring the availability of efficient and effective communications systems for State and local first responders.

Ms. ESHOO. Mr. Chairman, I ask unanimous consent to offer a revised version.

The Acting CHAIR. Does the gentlewoman ask unanimous consent to modify the amendment?

Ms. ESHOO. I do, Mr. Chairman.

The Acting CHAIR. The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification to amendment No. 10 offered by Ms. ESHOO:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems for State and local first responders.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. ESHOO) and a majority opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Mr. Chairman, I simply present this amendment on behalf of Ms. CLARKE, and I hope that the majority will accept it.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I appreciate the work we’ve done with the people involved in this, and we agree to it, and we accept the amendment as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. ESHOO). The amendment, as modified, was agreed to.
Mr. WEBSTER changed his vote from "aye" to "nay".
Mr. BUTTERFIELD, Ms. TSONGAS, SMITH of Washington, KING of New York, Ms. WASSERMAN SCHULTZ, and Mr. BURGESS changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ESHOO) 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.

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—ayes 179, noes 238, not voting 14, as follows:

[Vote Roll No. 135]

NOES—219

Adams
Alexander
Amash
Anastasio
Bachmann
Bachus
Barrett
Barton (TX)
Basel (TH)
Bazelon
Bennett
Berg
Biggert
Bilirakis
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooke
Broun (GA)
Buchanan
Buescher
Burke
Burton (IN)
Calvert
Camp
Campbell
Canesco
Cantor
Capito
Carter
Casasenos
Chabot
Chaffetz
Coble
Collin (CO)
Cole
Conaway
Cravatt
Craig
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Eliot
Elmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Fox
Frank (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gehlbusch
Gibbs
Gingrey (GA)
Gohmert
Gohmert
Gohmert
Goose
Gosar
Gowdy
NOT VOTING—16

Akin
Baird (TX)
Baird (NM)
Jackson (IL)

Rangel
Richardson
Ruppersberger
Welch

Serrano
Sewell
Sherrard
Smith (VA)
Sutton
Thompson (CA)
Thompson (MS)

[continued]
Mr. COHEN (NY). Without objection, it is so ordered.

The minutes of the vote were as above recorded.

Mr. COHEN (NY). Mr. Speaker, I move that the Speaker pro tempore be seated.

The SPEAKER pro tempore. The motion is so ordered.

The Acting CHAIR. The question is the gentleman opposed to the bill?

Mr. AKIN. Mr. Chair, on rollcall No. 134, 135, and 136, I was delayed and unable to vote. Had I been present, I would have voted "no" on all three.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOLD) having assumed the chair, Mr. YODER, Acting Chair of the Committee on the Whole on the House of the State on the Union, reported that that Committee, having had under consideration the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, and, pursuant to House Resolution 585, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to engrossment and received a third time, and was read the third time.

Motion to Reconsider

Mr. PERLMUTTER. Mr. Speaker, I have a motion to reconsider at the desk.

The SPEAKER pro tempore. Is the gentleman opposite the bill?

Mr. PERLMUTTER. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report to the motion to reconsider.

The Clerk reads as follows:

Mr. Perlmuter moves to reconsider the bill, H.R. 3309, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 23, after line 5, insert the following:

5. PROTECTING THE PASSWORDS OF ONLINE LINE USERS.

Nothing in this Act or any amendment made by this Act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule...
that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking web sites.

Mr. PERLMUTTER. Mr. Speaker, what I'd like to do is to read again this amendment, because once I've read it, I imagine that everyone in this House of Representatives will embrace this amendment, this final amendment to the bill, and will vote in favor of this amendment. It says:

Nothing in this act or any amendment made by this act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking Web sites.

What this amendment does is it says you cannot demand, as a condition of employment, that somebody reveal a confidential password to their Facebook, to their Flickr, to their Twitter, to whatever their account may be. It only makes sense because those of these kinds of social media have an expectation of privacy. They have an expectation that their right to free speech or their right to free religion will be respected when they use these social media outlets.

Now, if an employer wants to pose as or impersonate the individual who's had to turn over their confidential password, that employer I think will be able to reach into personal private information of the user, of the Facebook user, for instance, or the Facebook member, or of the person who is communicating with them, the friend of the Facebook user. So there are two sides to this, both the user of the Facebook as well as those people who correspond with them, that have an expectation of privacy.

Now, these kinds of communications are going to be very personal. Facebook, itself, in an original post dated March 23, 2012, says:

In recent months, we've seen a distressing increase in reports of employers or others seeking to gain inappropriate access to people's Facebook profiles or private information. This practice undermines the privacy expectations and the security of both the user and the user's friends. It also potentially exposes the employer who seeks this access to unanticipated legal liability.

They continue:

The practices allowing these practices is the reported incidences of employers asking prospective or actual employees to reveal their passwords. If you are a Facebook user, you should never have to share your password, let alone log on to your account, or do anything that might jeopardize the security of your account or violate the privacy of your friends.

This is a very simple, straightforward amendment. It is one that everybody ought to embrace.

Now, some people might say, well, shouldn't an employer have this right?

Well, employers can always do what they've done for years, which is to check references, to do background checks, but to do it as themselves, not as an impostor. They can do it directly. So if my reference is being checked, somebody knows that they're dealing with my reference, not with my impostor. It is just that simple. People have an expectation of privacy, both the user and their friend.

There is clearly the potential for liability to an employer or somebody who could have access to the confidential password. There is already plenty available to employers to do their background checks that they may need without posing and using the confidential password.

This amendment is simple. It is straightforward. I urge its passage. It is the final amendment that we will present to this bill.

Mr. MCHENRY. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my friend, the gentleman from North Carolina.

Mr. MCHENRY. I appreciate it. I've been working on legislation similar to this. If the gentleman would withdraw, I would be happy to work with him to find legislative language that could be acceptable to all sides, including to national security interests.

Mr. PERLMUTTER. In reclaiming my time from my friend from North Carolina, I would love to work with you, but this is the amendment we are proposing to this bill at this time. I am asking for a vote on this bill at this time.

Mr. Speaker, again, this is a straightforward amendment. It's one everybody should vote for.

With that, I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I thank the gentleman, and I would just like to draw your attention to several points.

First of all, we had a very open process with hearings in the Energy and Commerce Communications and Technology Subcommittee, and this issue didn't come up. We had a markup in the subcommittee, and there were no amendments offered of this nature. We had a markup in the full committee, and there were no amendments offered. We had an opportunity for all Members to offer amendments on the floor, where they could be thoughtfully debated, and this amendment was not put in this context. Now it suddenly appears before us at the last minute of this day. So it would have been helpful to have had this discussion because many of us share the concern that the gentleman is talking about.

I think it's awful that employers think they can demand our passwords and can go snooping around. There is no disagreement with that. Here is the flaw: Your amendment doesn't protect them. It doesn't do that. Actually, what this amendment does is say that all of the rights that we are trying to put in place at the Federal Communications Commission, in order to have them have an open and transparent process where they are required to publish their rules in advance so that you can see what they're proposing, would basically be shoved aside. They could do whatever they wanted on privacy if they wanted to, and you wouldn't know it until they published their text afterward. There is no protection here. There is nothing there to enforce.

What this motion to recommence does here at the last minute—and if we could have had time to work this out ahead of time, we might have figured out something we could have both agreed on.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. WALDEN. No, I won't.

What we have here is a problem that you exempt from the process. You don't protect the consumer. There are many of us who, after this debate concludes and we move on, would be happy to work with you on legislation because I think this is a real issue that we all share, and that is protecting privacy. This doesn't do that. In fact, you could open the door where they could allow employers and licensees to go after your stuff, and you wouldn't know it until they published the rule.

So I urge a "no" vote on this motion to recommit, and I yield back the balance of my time.

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 noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 11, as follows:

Aye—184

Ackerman  Blumenauer  Carnahan
Altmire  Bonamici  Carney
Andrews  Boren  Carson (OH)
Bass (GA)  Boucher Castor (FL)
Baldwin  Brady (PA)  Chabot
Barr (CA)  Bracy (IA)  Chaffetz
Beatty  Brown (TN)  Cicilline
Becerra  Butterfield  Clarke (MI)
Berman  Capuano  Clarke (NY)
Bishop (GA)  Capp  Clay
Bishop (NY)  Cleaver  Court,
Capuano  Clovis
Capps  Cleaver
Butterfield  Coble
Capuano  Coble
Cleaver  Crenshaw
Cicilline  Crowell
Cicilline  Crowley
Cicilline  Cuellar
Cicilline  Culberson
Cicilline  Crist
Cicilline  Curbelo
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Crenshaw
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicilline  Crook
Cicilline  Cronin
Cicilline  Culberson
Cicilline  Culver
Cicilline  Cramer
Cicilline  Crapo
Cicill
The SPEAKER pro tempore, Mr. OWENS, announced the result of the vote, which was two remaining. The motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:
Mr. BERKLEY, Mr. Speaker, on rollcall No. 137, I was unavoidably detained. Had I been present, I would have voted "aye." The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it.

RECORDED VOTING—1831

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

The SPEAKER pro tempore. The recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 174, not voting 10, as follows:

[Roll No. 138]

AYES—247

[Several Members Listed]

NOES—174

[Several Members Listed]
PERSONAL EXPLANATION
Ms. JACKSON LEE of Texas. Mr. Speaker, today I was unavoidably detained on the following votes:

On roll call 134, the Crowley amendment, I would have voted “aye.” On roll call 135, the Eshoo amendment, I would have voted “aye.” On roll call vote No. 136, the Owens amendment, I would have voted “aye.”

PERSONAL EXPLANATION
Ms. JACKSON LEE of Texas. Mr. Speaker, I was unavoidably detained yesterday evening on business.

On H.R. 2779, rollcall vote No. 127, I would have voted “yea”; H.R. 2682, rollcall vote No. 128, I would have voted “yea”; and rollcall vote No. 129, I would have voted “no.”

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 112, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–423) on the resolution (H. Res. 597) providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3596

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent to remove the name of Mr. Pitts of Pennsylvania as a cosponsor of H.R. 3596.

The SPEAKER pro tempore. The SPEAKER pro tempore (Mr. AYOTTE of New Hampshire) asked unanimous consent to remove the name of Mr. Pitts of Pennsylvania as a cosponsor of H.R. 3596.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION
Mr. AKIN, Mr. Speaker, on roll call No. 137 and 138, I was delayed and unable to vote.

I had been present, I would have voted “no” on roll call No. 137 and “aye” on roll call No. 138.

PUT NEVADA’S MIDDLE CLASS FAMILIES AND SENIORS FIRST

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

Ms. BERKLEY. Mr. Speaker, this week, Republicans are reiterating their priority is. Unfortunately, it’s not only the fault of Luc, but also the responsibility of diplomats to ensure that we stop taking them back. So I have introduced a bill to deport Luc back to Vietnam. But Vietnam has never taken back the lawfully deported criminal. U.S. law does not allow indefinite incarceration, so after an additional 180 days, Luc was released on American streets. Last weekend, Luc struck again. This time, he murdered five people in San Francisco.

Mr. Speaker, there should be consequences for countries like Vietnam who fail to take back their lawfully deported criminals. There are several thousand criminals who we have deported back to their native lands where their nations just don’t ever get around to taking them back. So I have introduced the Deport Foreign Convicted Criminals Act to prohibit the issuance of diplomatic visas to nations who do not take back their outlaws in a timely manner.

The blood of those five murdered victims is not only the fault of Luc, but it’s also on the hands of the Vietnamese Government.

And that’s just the way it is.

U.S. POSTAL SERVICE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, today a number of postmasters from the United States Postal Service were in my office, and they had a very good idea about how important the U.S. Postal Service is, the jobs that it creates, and how we should find solutions.
In my own community, heavily occupied by seniors, they cried out when post offices were closed that were close to their community, where they were able to walk and secure their checks. Some of them like to come directly to their local post offices in rural and urban America, and we’re better than not finding a solution to employ hardworking Americans in an efficient and effective manner.

I look forward to working with our colleagues on hardworking Americans all across America who have been the good Samaritans to determine whether our seniors were in need of bringing medicine to homebound patients, bringing information and helping small businesses.

We can work to solve this problem efficiently and effectively.

HONORING THE SERVICE OF JOHN V. SULLIVAN, HOUSE PARLIAMENTARIAN, UPON HIS RETIREMENT

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker’s announced policy of January 5, 2011, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the majority leader.

The Chair understands that all time yielded by Mr. DINGELL will be yielded through Mr. LATOURETTE.

Mr. LATOURETTE. I thank the Speaker very much, and I understand that I can’t ask unanimous consent to give half to the dean of the House, but we’re going to work it out, and since we’re talking about the Parliamentarian, hopefully we’ll get a favorable ruling from the Parliamentarian on the distribution of time. I’m going to be joined on the Democratic side in this rare burst of bipartisanship by the dean of the House, Mr. DINGELL, of Michigan, and a number of Members on both sides of the aisle are going to come talk about what to some of us was kind of a shock, and that is the announced retirement of our Parliamentarian, John Sullivan.

Because I’m going to be here for the full hour along with Mr. DINGELL, I’m going to yield to Members who have other time commitments, but I want to make sure that they have the opportunity to say what it is they feel they need to express about Mr. Sullivan’s service to the House.

With that, Mr. Speaker, I am pleased to yield to Mr. THORNBERY of Texas.

Mr. THORNBERY. I thank the gentleman from Ohio for yielding.

Mr. Speaker, every person elected to the House believes that we’re here to do important work on behalf of our district. Of course, the House is bigger than any one issue or any one person. Yet, there are a relatively small number of persons who are central to the function of the House. Too often, I’m afraid, Members get so wrapped up in what we’re trying to do that maybe we take for granted the institution of the House. But it is the institution that is established in the Constitution. It’s the institution that provides the continuity of government as political majorities come and go, and it’s the institution that provides the legitimacy and the respect for what we do here.

I say a lot to that. I think, in many ways, the Parliamentarian is the central figure for the institution of the House. Since 1927, there have only been four of them, and in my time here, we have been incredibly fortunate to have had two outstanding public servants, Charles Johnson and John Sullivan, serve in that position.

It is with some regret, but even more with respect and gratitude, that we honor the service, but I’d say just as much the character and the intellectual integrity of John Sullivan as he leaves the House to begin a new chapter in his life.

As one of those who has benefited from John’s steady guidance while I was in the chair, I can testify to his even temper. He guides our proceedings with intellect and logic, based on the Constitution, the rules of the House, and our precedent. But at the same time, he also brings the human dimension, taking into account the personality of the person in the chair as well as that of the persons at the microphone. And that means it’s as much art as it is science to keep the House running.

Much of the work he does, of course, is done off the House floor, advising Members and staff as to how they can accomplish their goals within the rules and precedents of the House. I have tremendous respect, though, for John’s abilities and for his professionalism. But I have even greater appreciation for his commitment to and his love for this institution, for that portion of his heart that he has given to the House for the past 17 years.

He has elevated each of us who have worked with him, but more importantly, he has elevated the institution of the House of Representatives through which government is run. John has shown us, and our modern Parliamentarian, John Sullivan has left his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve by our constituents. He, no less than ourselves, has served the American people well.

As we wish him the best in retirement, we also welcome as our new Parliamentarian, a man who is eminently qualified to succeed him in office. Tom Wickham has been at John’s side throughout his tenure in the Parliamentarian’s Office, and I know John is leaving us in very capable hands.

Mr. Speaker, I join you and my colleagues and our friends here today hearing John’s decision to retire, I was among the many Members who felt that they were losing a respected colleague and friend. Because after his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve by our constituents. He, no less than ourselves, has served the American people well.

As we wish him the best in retirement, we also welcome as our new Parliamentarian, a man who is eminently qualified to succeed him in office. Tom Wickham has been at John’s side throughout his tenure in the Parliamentarian’s Office, and I know John is leaving us in very capable hands.

Mr. Speaker, I join you and my colleagues and our friends here today hearing John’s decision to retire, I was among the many Members who felt that they were losing a respected colleague and friend. Because after his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve by our constituents. He, no less than ourselves, has served the American people well.

As we wish him the best in retirement, we also welcome as our new Parliamentarian, a man who is eminently qualified to succeed him in office. Tom Wickham has been at John’s side throughout his tenure in the Parliamentarian’s Office, and I know John is leaving us in very capable hands.

Mr. Speaker, I join you and my colleagues and our friends here today hearing John’s decision to retire, I was among the many Members who felt that they were losing a respected colleague and friend. Because after his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve by our constituents. He, no less than ourselves, has served the American people well.
March 27, 2012

CONGRESSIONAL RECORD—HOUSE

H1631

I wish him well and thank him for all he has done to preserve the order—and with it the honor—of the people's House.

John, you have been a great public servant in the best traditions of that term. You have been someone, as I said earlier, who has been respected by every leader of both parties, an individual who has listened intently, who has judged fairly, and whose judgments have made this House better.

John Sullivan, well done, the House's good and faithful servant. Well done as a friend and colleague and adviser.

Many of us are better Members of this House because of John's counsel through the years, and this House is certainly a better place for his service.

I congratulate him and wish him Godspeed.

And I thank the gentleman from Michigan and the gentleman from Ohio for leading this Special Order to praise Michigan and the gentleman from Ohio through the years, and this House is a friend and colleague and adviser.

Good and faithful servant. Well done as earlier, who has been respected by his term. You have been someone, as I said servant in the best traditions of that House.

I see my good friend from Texas (Mr. LATOURETTE), Mr. Speaker, I take to the well to do something I would like to share that with our colleagues the work of the Rules Committee did last night, and Mr. Sullivan, you have not done what the staff members and members of Parliament in Kenya, and he was virtually immediately able to cite a number of discrepancies that took place in the constitution. And so his very, very shrewd skill and expertise has not only been utilized to the benefit of the United States House of Representatives, but, in Kenya and in other countries that we have visited, John Sullivan has been able to use his expertise for the expansion of democracies around the world.

It is an extraordinarily bipartisan organization that in the past-September 11th, where I was focused on strengthening the legislative branches. I see my good friend from Texas (Mr. CONAWAY) here who is a member of our partnership. It is designed to strengthen the legislative branches in new and reemerging democracies around the world.

My colleague from North Carolina (Mr. PRICE) and I serve as cochairs of this effort, and we just established our 17th partner in central Asia, the country of Kyrgyzstan; and, in fact, we're going to be, at the end of this week, continuing our mission. We're going to be going to two of our partner countries, Kosovo and Macedonia; and we'll be in Libya and Egypt as well, where we're going to be talking about the importance of strong, vibrant parliaments.

Well, I've got to say that the House Democracy Partnership and these countries have been the great beneficiaries of John Sullivan's expertise, specifically in Kenya.

We had an opportunity to visit Liberia and Kenya, two of our partner countries. We were in Mali, as well, on this one particular trip. Following the very, very tragic aftermath of the '07 elections in Kenya, there was a huge spike in takeovers, and there was a huge spike in corruption, to put it mildly. And Kenya has just gone through a whole constitution reform process.

When we were in Kenya, John Sullivan spent time looking at the proposed constitution, meeting with the staff members and members of Parliament in Kenya, and he was virtually immediately able to cite a number of discrepancies that took place in the constitution. And so his very, very shrewd skill and expertise has not only been utilized to the benefit of the United States House of Representatives, but, in Kenya and in other countries that we have visited, John Sullivan has been able to use his expertise for the expansion of democracies around the world.

I signed this, as did the ranking member, my good friend from Rochester, Ms. SLAUGHTER.

This is suitable for framing. We will have one for framing, and Mr. Sullivan will be able to have this. I would like to, Mr. Speaker, just take a moment, if I might, to talk a little bit about John's work here—I mentioned the work up in the Rules Committee and we did have one whereas clause where we talked about the House Democracy Partnership, I would like to speak a bit about the work of the House Democracy Partnership, because not everyone is aware of the projects that the House Democracy Partnership has taken on.

It is an extraordinarily bipartisan organization that in the past-September 11th, where I was focused on strengthening the legislative branches.
Mr. SCHIFF. I thank the gentleman for yielding, and I rise to thank our House Parliamentarian, John Sullivan, for his years of service to his Nation and to the House of Representatives. John has been a trusted adviser and an honest broker of the rules of the House. He has been a man of intellect, his integrity, and his dedication to his job. He has been a phenomenal asset to this institution, and I know that his successor, Tom Wickham, who currently serves as Deputy Parliamentarian, will continue in John’s legacy of professionalism.

John, I want to thank you for your service to this body, and I know that my colleagues join me in wishing you all the best of luck in future endeavors.

Mr. LA Rousse. Mr. Speaker, its now my pleasure to yield to her. Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, tonight we have the distinct privilege to recognize a friend and fixturer of Congress behind the scenes, Mr. John Sullivan. One of our best presiding officers, the gentleman from Illinois (Mrs. Biggert), I am pleased to yield to her.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, it’s not every day we get to speak on the House floor about friends and colleagues that are not constituents or other Members of Congress, and tonight we have the distinct privilege to recognize a friend and fixture of Congress behind the scenes, Mr. John Sullivan. Most of you will probably remember that John was appointed Parliamentarian last year by Speaker Hastert, and in 2004 and 2005 did serve for 25 years. Those that have worked with him will tell you he’s an excellent Parliamentarian, an institutionalist, and a man of integrity that truly cares about the House of Representatives. He would never bend the rules to pursue a certain outcome. And how you play the game is more important to him than whether you win or lose. I just wanted to tell a couple of things.

When I first came to Congress, at that time, freshmen always had a week to chair the floor at night. And so I guess I had a “B” for a last name, BIGGERT, that I got to do it first. Now, the only problem with that was that it was the training was the next week. So I went to the floor and I stood up there and I had this microphone sitting there, and I looked out and I said, What am I doing here? And I think I was kind of frozen, and John said, That is what you do. And so I proceeded on.

Another time, I was in the chair and suddenly there was a lapse of decorum by two of our Members, one on each side of the aisle. Through that process, and every other that I have come to work with the Parliamentarian, I respected his insights, his intellect, his integrity, and his dedication to his job.

He has been a phenomenal asset to this institution, and I know that his successor, Tom Wickham, who currently serves as Deputy Parliamentarian, will continue in John’s legacy of professionalism.

John, I want to thank you for your service to this body, and I know that my colleagues join me in wishing you all the best of luck in future endeavors.

Mr. LaTOURETTE. Mr. Speaker, its now my pleasure to yield to her. Mrs. BIGGERT, that I got to do it first. Suddenly there was a lapse of decorum by two of our Members, one on each side of the aisle. Through that process, and every other that I have come to work with the Parliamentarian, I respected his insights, his intellect, his integrity, and his dedication to his job.

He has been a phenomenal asset to this institution, and I know that his successor, Tom Wickham, who currently serves as Deputy Parliamentarian, will continue in John’s legacy of professionalism.

John, I want to thank you for your service to this body, and I know that my colleagues join me in wishing you the best of luck in future endeavors.

Mr. LaTOURETTE. Mr. Speaker, its now my pleasure to yield to her. Mrs. BIGGERT, that I got to do it first.

I just wanted to take this moment to express our gratitude. He’s been a tremendous mentor—well, you can’t call him a mentor—teacher of those of us who have been in this institution, who have tried to abide by the rules and go to the edge and not violate the rule, but knowing full well that we’ll get absolutely nonpartisan advice and counsel from the Parliamentarian about how to do things when we don’t know how to bring them to the floor, and about how to maintain the decorum and respect of every single Member in this House.

I thank him for his friendship and the role that he has played in making our institution a much, much better place to live and work.

Mr. LaTOURETTE. I thank the gentleman from North Carolina for those remarks.

I’m glad that Mrs. Biggert talked about her experiences in the chair because I think all of us have memories.
of that, going back a number of years, or a few years.

Just before I yield to my next colleague, I just want to say, in the very first speech I gave on the floor, I had brought in the American humorist, Dave Barry, to give me a little pep talk. Dave Barry, you guessed it, was Secretary of the Treasury. Some folks in my party said I should have my head examined, and I’m sorry to report that isn’t the first or the last time that that’s happened to me over the last 18 years. But he wrote my speech, and it was all about the word that describes that need to be on the floor: ‘standing order.’

Mr. Johnson was the Parliamentarian, but John was his deputy at the time. And Dave Barry wrote in my speech: “Now, I’m not saying that all lawyers are scum-sucking toads.” And we had to go to the Parliamentarian’s Office to get it checked out to see if I could call lawyers “scum-sucking toads.” I’m pleased to report to the House 18 years later that that’s not a violation of the rules, so I intend to use it in future speeches.

It is now my pleasure to yield to someone who, during his championing of eliminating pork and earmarks, wore a path out between where he was seated and the Parliamentarian’s desk, the gentleman from Arizona (Mr. Flake).”

Mr. Flake, I thank the gentleman for yielding.

Mr. Speaker, it’s a bittersweet honor to take the podium during this altogether remarkable awareness of House Parliamentarian John Sullivan upon his retirement. I recognize it as bittersweet because it’s truly sad for me—and all of us—to see him go, but I’m sure he will enjoy the break from all of us.

I’m certain that tonight we’ll hear—and we have already heard—his praises sung, particularly for his esteemed career that spanned some two-and-a-half decades. We saw him rise from counsel to assistant, to deputy, to finally the full-fledged Parliamentarian of this special institution.

I venture to say that few Members or offices outside the Office of the Rules Committee are able to sing his praises having had quite as much experience as my office has had with him. According to a cursory review, it would appear that during Mr. Sullivan’s tenure heading up the left side of the Speaker’s dais, I’ve brought to the floor some-where in the neighborhood of a couple hundred amendments and privileged resolutions and have filed countless more with the Rules Committee. So it is with some experience that I say that both I and my staff have found the Office of the Parliamentarian, under Mr. Sullivan’s leadership, to be fair and open, responsive, deliberative, and consistent. In fact, we’ve come to rely on it.

I would be remiss if I didn’t mention that I would like to be able to say, under Mr. Sullivan’s leadership, that there was always 20 hours over 100 hours in the chair. So I had an opportunity to be with John and see John’s work as the Parliamentarian, and I associate myself with all the remarks given by the previous speakers.

John was fair and John was respected—and is respected—by the leadership of the House on both sides, as well as his staff. I have to tell you that his staff was always well prepared. They anticipated, especially in debates that we had controversial bills, they anticipated probably some of the areas that would hit some rocky roads, and they were always prepared.

His staff was prepared, and they were always kind and caring to the person who was up in the chair, and many times they assisted me to make sure that I read the paper right or gave the right response. So I have to tell you that, John, as Parliamentarian, did bring stability and respect; and I thank him for that.

During some of the debate that was pretty boring or during votes, we had a chance to talk to each other about more social things. We talked about vacations he took, when his daughter Margaret was in town, restaurants, movies that we had seen. So during those times, I had the opportunity to get to know John as a person, and I found him in these conversations to be a caring, thoughtful person. And those he talked about some of the trips they went on and some of the things they did over the weekends, and obviously he was a caring father to his three children.

For me, it was a great joy to be presiding over the debate here at the House and to know that the people who were going to be assisting me as Parliamentarians were well prepared and fair and that they respected the House. More than that, I knew that I was dealing with a person, John V. Sullivan, who truly loves this House and who wanted to make sure that this House was able to function well and that there would be order.

As Jeff Flake is correct: when Jeff sometimes would get up, John would say, Oh, no, here comes another Flake amendment. But we got through them.

In each case, we did the best we could, and I know that his professionalism was always on display.

I congratulate Tom for succeeding him. Yet, to my friend John Sullivan, I wish you the best. May you have a great retirement and continue to care for this House as you care for your family. Best wishes to you and Nancy.

Mr. Latourette, Mr. Speaker, I am a little bit surprised that the gentleman from Arizona (Mr. Pastor), who was a great presiding officer during what we called on our side of the aisle the “troubled years,” those of the Pelosi speakership, thinks that our debates are boring and that they’re not riveting, seat-of-the-pants, edge-of-the-seat type things.

Another wonderful presiding officer on our side, whose common sense keeps the House in order, is the distinguished gentleman from Alabama (Mr. Bonner), and I would yield to him.

Mr. Bonner, I thank the gentleman, and I join in the comments that have already been made in expressing our deep gratitude to a young man who, by many standards, is still a young man and who obviously has a very bright future in front of him, but who has decided to embark on a new chapter in his highly storied career.

Tonight, Democrat and Republican, North and South, the dean of Congress—someone who has been here longer than many of us have been alive—and others who are coming to prominence who are expressing their gratitude to a man named John Sullivan are all here to really offer our heartfelt thanks for the example you have set, for the inspiration you have provided, and for the legacy that you are leaving behind.

Mr. Speaker, John Sullivan is a young lawyer in this country—and John is an attorney as has already been noted—when asked who inspired them to go into law, into that...
Mr. Speaker. I rise to pay tribute to our Parliamentarian, our friend John Sullivan, for his service to this Nation and to the United States House of Representatives. His departure as Parliamentarian of the House comes as a sad note to many of us who have come to know John and to depend on his wise counsel and expertise, as I have since I first entered this Chamber in 2008 and as many others have through the years. I am happy that John is leaving on his own terms, and I hope and believe that as he moves on to the next phase of his life, as has been said, John was born in Chicago, Illinois. He graduated from the Air Force Academy, received a law degree from the Indiana School of Law, and served honorably in the United States Air Force.

John has dedicated his life to the noble calling of public service. Whether as an officer in the Air Force, as counsel of the House Armed Services Committee, or as Mr. Speaker’s aide in the Parliamentarian’s Office for the past quarter century, he has ably served this House for 27 years. Some of my colleagues say 28 years. Others say 25 years. It has been a long time, he served the people of this country, the Nation, for nearly 40 years.

The job of the House Parliamentarian is an exceedingly difficult one. We Members would, no doubt, be a rather unruly lot without our Parl. One must have a scholarly grasp of our rules and precedents and legislative procedures governing this Institution, the integrity to be an honest and fair arbiter at all times, and possess the ability to work with both sides of the aisle at sometimes contentious moments. Throughout my time in the House, I’ve seen John Sullivan exhibit these qualities time and time again. 　 　

It’s a testament as to why he is so well respected by both Republicans and Democrats, which speaks volumes as to how successfully he’s handled this job. I thoroughly enjoyed getting to know John, learning from him the importance of the rules and precedent in this institution that he so clearly loves and respects and how to serve fairly and effectively as Speaker pro tempore. Indeed, I tried mightily to imitate his calm and tempered demeanor. I spent quite a bit of time in the 111th Congress doing just that, and it helped me during one of my most proud moments as I presided under John’s wisdom and guidance during passage of the Patient Protection and Affordable Care Act.

I remember John’s skilled mastery of our House rules when I presided during a blizzard, and we Parliamentarian called to our attention a never-before-used rule to enable us to remain in session without disrupting a lot of winter holiday plans. I also liked that John likes to use sports analogies to describe his work almost as much as I do. He stressed to me and to other Members the importance that when serving as Speaker pro tempore, we become umpires and have to make rulings irrespective of partisan considerations.

As important as it is to celebrate and honor John’s professionalism, we honor him also as a personal friend. He is an avid basketball fan. I wonder if it’s a mere coincidence or if there is some deeper meaning in his resignation taking effect this Saturday, March 31, the date of the Final Four of the 2012 NCAA men’s college basketball tournament.

Though I’m not certain for whom John is cheering in this year’s tournament, I do know that he has closely followed former Indiana and Texas Tech Coach Bobby Knight’s career since Coach Knight was at West Point decades ago. They have met on numerous occasions, and John has a couple of basketballs signed by Coach Knight. So I wish him an uninterrupted time through the finals. And here, John, I would like to say to you as your colleague, I would just say that it’s okay to choose sides.

As we say good-bye to John, I would also like to take this opportunity to welcome his respected successor Tom Wickham, the Deputy Parliamentarian whom John mentored. And I know Tom and the rest of their team will continue to guard the principles and rules that keep our democracy, our Republic, and this Chamber functioning with the level of dedication and integrity we witnessed from his predecessor.

My first 4 years in Congress, the House of Representatives, and our country are better off thanks to John Sullivan’s public service. I wish you, John, your wife, Nancy Sands Sullivan, and your children, Michael, Margaret, and Matthew, continued success.

John Sullivan has made me a better Member, more willing to heed the gavel, more respectful of the Chair, more able to value this institution, as he does, and more consistent as a Member of Congress.

I wish you much happiness. I know that your family has been a tremendous support to you and your service in this House and to our Nation. And to John Sullivan, you leave behind a legacy of service that others can and should aspire to, and I thank you.

Mr. LATOURETTE. I want to thank the gentlelady from Maryland for her remarks.

It is now my pleasure to yield to the gentleman from Texas (Mr. CONAWAY), another frequent presiding officer and accountant by training and trade prior to his service in the House of Representatives.

Mr. CONAWAY. I thank the gentleman for yielding, and I will certainly not attempt the eloquence of all the previous speakers. I just simply want to say thanks to John Sullivan.

It is now my pleasure to yield to the gentleman from Texas (Mr. CONAWAY), another frequent presiding officer and accountant by training and trade prior to his service in the House of Representatives.

Mr. CONAWAY. I thank the gentleman for yielding, and I will certainly not attempt the eloquence of all the previous speakers. I just simply want to say thanks to John Sullivan. He is the only Parliamentarian that I’ve served under. His service as Parliamentarian began just before I got here in January of ’05. So it’s been my privilege to serve with John.
He has been even-handed throughout, from my perspective, serving both 4 years in the minority and now back in the majority. You can’t tell from John’s conduct which side you belong to because he really does call them evenly.

When you love the institution the way I do and the way other Members do, it’s easy to recognize that love of institution. There is no one that I know of whose love for this institution is evidenced greater than what is demonstrated by Sullivan. The precedents of the House, all of the things that are a part of this institution that make it one of the most of the valuable legacies of our Founding Fathers, John has upheld those traditions and those precedents in a very admirable way.

So, John, thank you for the many chapters of your life that you have spent in service to the House of Representatives. Thank you for that. And Godspeed in the many chapters of your life to come. This institution is better for your long service. I’m a better Member of Congress for your service. Thank you, John.

Mr. DINGELL. Mr. Speaker, again, through the kindness of my good friend from Ohio to my friend from Indiana for reserving this time, and the Chair’s indulgence, I simply wish him the best as he leaves his position as a body, know it will not be golf. We will certainly miss John Sullivan, and the sport of golf are non-germane. But we all do know that he is enormously dedicated and devoted to his wife, Nancy, and their three kids, Michael, Margaret, and Matthew. And we wish him the best as he leaves his professional family as it begins to enjoy his true family.

In closing, Mr. Speaker, I want to personally thank John for his friendship and guidance to me. This institution is better for your long service. Thank you, John.

Mr. LYNCH. I thank the gentleman from Michigan and the gentleman from Ohio for the opportunity to praise our departing House Parliamentarian, John Sullivan, as he prepares to leave the House of Representatives after 27 years of distinguished service.

I represent the Ninth District of Massachusetts, where, in my new district, I have 727,514 people, most of them named Sullivan. So this seems like an Irish wake here, but it is certainly not.

As we all know, John has served in the Office of the House Parliamentarian for most of his distinguished career, and the last 8 years as House Parliamentarian as Parliamentarian in this body takes a fair amount of skill and an enormous amount of patience. It is, at times, challenging, and it is that skill and ability and patience that John provides us as Members that we rely on to also allow the House to function in an orderly manner. I think all the Members here today know that the advice we receive and guidance we receive from John Sullivan, as our Parliamentarian, is given in an analytical, unbiased, and nonpartisan manner.

John follows in the footsteps of his mentor, former House Parliamentarian Charlie Johnson, John has served as the Parliamentarian in both Democratic and Republican Houses. And I think it is a tribute to John’s integrity and soundness that he was appointed by three Speakers of the House: Speaker Dennis Hastert, a Republican; Speaker Nancy Pelosi, a Democrat; and now Speaker John Boehner, again a Republican.

In the course of our life, when we can just about agree on nothing between us, we agree on the great service of John Sullivan. And he has received the support and admiration from both sides of the aisle, and that is on display in the House tonight, as both Republican and Democratic Members pay tribute to a true man of the House. And while, as Members, we are allowed to publicly disagree, I know that John’s fellow coworkers and former co-workers also wish him the best as he prepares for his next challenge.

John has not let us know what his future professional plans will be, but we, as a body, know it will not be golf. We do know that whether John Sullivan, and the sport of golf are non-germane. But we all do know that he is enormously dedicated and devoted to his wife, Nancy, and their three kids, Michael, Margaret, and Matthew. And we wish him the best as he leaves his professional family as it begins to enjoy his true family.

In closing, Mr. Speaker, I want to personally thank John for his friendship and guidance to me. This institution is better for your long service. Thank you, John.

Mr. LYTLE. Mr. Speaker, as this evening is that for some inexpressible reason John also wanted to jump out of airplanes, and became a qualified paratrooper. Ultimately, he found himself at Indiana University, as has been mentioned by Mr. Bucce, who is with our gentle friend from Munster, Indiana, who indicated that in fact I don’t think that John is so much an IU fan as he is a rabid Bobby Knight fan.

Mr. DINGELL. Mr. Speaker, at this time I yield through my good friend from Ohio to my friend from Indiana (Mr. VISCOLOSKY).
But I do think that the mark of the man is the recognition of his legal acumen, his grace under pressure, and his scrupulous fairness when a Democratic Speaker, Tip O'Neill, requested that he join the Parliamentarian's office in 1967. And that 17 years later, his leadership in the struggle to make possible and wise decisions in very stressful and momentous situations was recognized by Republican Speaker Dennis Hastert, who asked that he become Parliamentarian of the House.

Mr. DINGELL comes from a strong family of nine children, and his siblings love him deeply and know him better than any of us. I am happy to share some of their thoughts with my colleagues.

Margaret mentions:

As a teacher, I know about the incredible power of a good model. John has provided the best model of a good brother, husband, public servant, son, and man throughout my life, and I adore him.

His sister Anne said:

As a little sister, I chose John as my role model for integrity. Later, I chose him as my role model for word choice, too.

Patty remarks that:

My heart is so full. I do not know where to start. You know how I feel about my magnificent big brother.

Gary, for himself and for Mary Fran, John’s sister whom he has lost, said:

I speak for Mary Fran and myself in sending love and thanks to John for his service to our country.

His brother Matt said:

I would like to add my voice to my siblings’ in expressing my love and appreciation of our brother John.

Michael noted:

John and I played together, ate together, fought together, got in trouble together, slept together, walked to school together, fought together, got in trouble together, slept together, walked to school together, talked to each other about everything.

That is really where I learned all the important things about life. That is where I learned what it took to be a good man. John was my big brother, but he has always been my confidant and mentor. He is my number one phone call when I need advice. He has the discipline and fairness that I lack. So it is good to have him to lean on. I love you, John, and I look forward to enjoying a piece of your retirement with you.

Jerry observed that:

John went to take his physical qualification test for the Air Force Academy and came back and told Dad he didn’t seem to do as well as he had expected. He did plenty well enough, passed, and graduated the Academy.

My heart is so full of love for him. I am completely in love with John. I love him, and I look forward to enjoying a piece of your retirement with you.

Mr. LATOURETTE. I think we need to hear from you, Mr. DINGELL.

Mr. DINGELL. This, I will tell the gentleman, is his time. He has led in the matter. I am prepared to accede to his leadership.

Mr. LATOURETTE. I think we need to hear from you, Mr. DINGELL.

Mr. DINGELL. This, I begin then by thanking my good friend from Ohio for his leadership in this matter and express to him my great personal respect and high esteem. I have been pleased to have known all the Parliamentarians during this body’s history, but I think that John Sullivan is, without question or any doubt, the best model of a good brother, husband, public servant, son, and man throughout my life, and I adore him.

Mr. Speaker, I would add that I will miss the opportunity that John provided every time I had young people in the gallery since 1987 for the opportunity to point him out with pride as being from “back home,” and emphasizing that he was someone they could emulate; that by studying hard, by using the talents God had given them, they, too, could achieve a position of great responsibility and great opportunity to be of service to others and to their country.

We will all miss you, John—a man who has dedicated and devoted his life to serving his country. This institution and each of us have become more effective and judicious stewards of the public trust because of John Sullivan’s example, his wisdom, and yes, his good humor.

So I would conclude by saying, Mr. Speaker, that despite all of the disparaging remarks John has made over these many years about the quality of the football team in South Bend, Indiana, called Notre Dame, I do sincerely wish him, his wife Nancy, and their family every blessing and happiness life has to offer.

Mr. Speaker, we have no further requests for time, but I would like to say a couple of words.

Mr. LATOURETTE. As do I. The gentleman is the dean of the House. You go first.

Mr. DINGELL. This, I will tell the gentleman, is his time. He has led in the matter. I am prepared to accede to his leadership.

Mr. LATOURETTE. I think we need to hear from you, Mr. DINGELL.

Mr. DINGELL. I begin then by thanking my good friend from Ohio for his leadership in this matter and express to him my great personal respect and high esteem. I have been pleased to have these brief remarks from his friends, colleagues, and coworkers about our good friend, Mr. Sullivan, our coworker and Parliamentarian of the House. I have known all the Parliamentarians during this body’s history, but I think that John Sullivan is, without question or any doubt, the best model of a good brother, husband, public servant, son, and man throughout my life, and I adore him.

And before them, I had the privilege of knowing the distinguished gentleman from Missouri, a Member of this body and also a prior Parliamentarian of this body.

I’m sure that this has been an evening that has been somewhat painful to our friend, the Parliamentarian, because he has heard all kinds of nice things about him at a time when that is rather an unaccustomed practice. But I would like to tell him how proud we are that we have had such dedicated public servants to work for and on behalf of the House of Representatives and on behalf of all of us.

As he retires at the end of this week as the Parliamentarian of the House, I know that those who would be approved, and enthusiastically so, by all the gentlemen that I have mentioned earlier, I would also hope that he understands that he has seen the greatest respect and affection from his colleagues here in the House for his fairness, impartiality, for his decency, for his integrity, and for the fair and nonpartisan—way he has conducted his duties as the Parliamentarian of the House.

Each and every one of us could count on Mr. Sullivan to take our calls on even the smallest questions about morality and procedures of all of us, without any question or any doubt, that he understood that we were getting was completely honest. We also knew that he would help us work out our problems so that we could be functioning and effective Members of this body. And we also knew that he would take a firm stand for the protection of the traditions and the institutional values of this body and would ensure that the rules were always interpreted properly.

He was a true institutionalist. He loved and revered the House of Representatives, and he knew something that was very important that many of us had not yet learned, and that is that this body, as an institution, is more important to all of us and to this Nation than any single issue or aggregation or congregation of issues or any individual or any group of individuals, because without the trust, the affection, and the respect of the American people, this institution cannot function, cannot lead, cannot govern, and cannot carry out the trusts that we have been given back to the days of the Founders and the Constitution. I want Mr. Sullivan to know that he will always be missed; but we know that he has left us in capable hands because he has built a fine office, and Tom Wickham, like Mr. Sullivan, has proven to be thorough, discreet, and well versed in the rules and procedures of the House; and we know that he will serve the House with the same dedication, decency, integrity and honesty that his predecessor, Mr. Sullivan, has characterized his work with.

All of us are going to miss him. He has been a distinguished public servant in the highest sense of the term; and all of us will wish him well as he goes off to do his business, whatever it may be, and we will hope that he has tremendous success, long life, great happiness, and a chance to come back here.
from time to time to see his old friends and to join in talking about the memories that we share together, the great things that we’ve done, the small things that we’ve done, and all the wonderful stories that we have to tell and share about the privilege of serving in the greatest legislative body in the world.

I am going to express to him the wish that he will have happiness in his retirement. I know that that wish is shared and honored by all of his colleagues and that the very fine group of Parliamentarians who are here to show their appreciation to him for his wonderful leadership share in the thoughts that you have heard.

This has been an extraordinary bipartisan expression of the affection and respect that we have for our Parliamentarian, which he has earned. We have not praised him; we have simply told the truth about him. And that is something that we can be proud of that we are able to do and willing to do. I would note that there are some who might live in mortal and desperate fear of having others telling the truth about them.

So, in the event, we express to him our thanks and our admiration, and also that of the entire membership of the House of Representatives who have been honored by your service, your guidance, your friendship, your dignity, and your great appreciation of this body and the responsibilities we have.

Now I thank my good friend from Ohio for being so generous and for his leadership in this matter.

Mr. LATHOURETTE. Mr. Speaker, I want to thank you for your indulgence, and I also want to thank the dean of the House for organizing this Special Order.

The House of Representatives is a building. It’s a nice place, but it’s really the people. And JOHN DINGELL is the House of Representatives, as his father was before him. PETE VISCLOSKEY is the House of Representatives. When I got here, Charlie Johnson was the Parliamentarian, he was the House of Representatives, and John Sullivan has replaced him; and he is, in fact, an institution with the House. I don’t want to break the mood here, but in my opinion, the jury is still out on Wickham. We’ll see how that does. But I think things have the opportunity to be okay.

I just want to tell two quick stories that for me told the measure of the man. The first was a number of years ago when we had a Member who was going to be expelled from the House of Representatives. It was only the third time in modern history that that occurred. The last one was in the 1970s. Nobody had really had a chance to study the precedents and things of that nature and the precedents and rules that process only took an hour of floor time—an hour to basically end somebody’s political life.

So I went to John, and he gave me advice, and then he told me to file something to postpone it to a date certain, which I had never heard of, and I bet most Members never heard of, but that gave Members of the House an additional hour to discuss the case. And I ruled as a result because of John’s stewardship and knowledge of the rules, the House, as a body, felt better at the conclusion of that 2-hour debate.

It happened to be a Member of Ohio; and we are celebrating in Ohio that Ohio State is in the Final Four; our guy, JOHN BOEHNER, is the Speaker of the House; and it also marks the first time in 8 years we haven’t had a member of our delegation in prison. So we’re pretty pleased about that as well. But I will tell you that it was John’s counsel that got us through that.

The second one was more recently. A couple of years ago, August, on our side, we call it the day of the stolen vote. I think the distinguished minority whip, Mr. HOYER, called it a procedural hiccup. But regardless, if you were here that night, it was wild. People were screaming, yelling, and crying.

And I had the opportunity to watch the videotape about 300 times because we then had a special committee to look into it. And always in all of the frames, there was one rock like the Rock of Gibraltar standing there above the fray saying, We need to be calm. It reminded me a little bit—I don’t know if you saw Kevin Bacon in Animal House, where he says, stay calm, stay calm, and the crowd runs him over, and he’s nothing but a uniform in the end. That’s what was going on around John. The place could have devolved into a very serious problem. It looked messy, and it was messy, but the measure of John’s stewardship of the rules of the House—I would say that there was pressure on him and the rest of the Parliamentarians to do what one side or the other wanted to him to do or for his opinion to come out one way or the other. The Republicans, we wanted him to say, hey, they stole the vote. It was 215–213, the gavel came down, you hoodwinked us. And from the Democratic side, the pressure was, these things happen, stuff happens; that no rules were broken, no harm, no foul.

Mr. Speaker, there is no greater honor or privilege than to serve the American people. As Members of Congress, every day we work to remain worthy of the tremendous trust bestowed upon us by our constituents. While the spotlight is often focused on us, there are people who serve this great body and the American people without fanfare and recognition. In many ways, they are the backbone of this institution—without them, we could not do the People’s work. One of the finest examples of this selfless commitment and tireless service can be found in our House Parliamentarian John V. Sullivan.

Following his graduation from the United States Air Force Academy and the Indiana University School of Law, John served 10 years on active duty military. His service in the House began almost 28 years ago when he became Counsel for the Committee on Armed Services. In 1987, he began what would become a distinguished career in the Office of the Parliamentarian, serving as an Assistant Parliamentarian and Deputy Parliamentarian. In 2004, he was appointed to the position of Parliamentarian of the House.

The Office of the Parliamentarian is commonly known as the nonpartisan umpire for...
the House. Continuing this tradition throughout his tenure, John has been a shining example of integrity and fairness. John has served under six successive Speakers, both Democratic and Republican. He has truly been an innovator in the House—being the first to incorporate computer technology into the Office of the Parliamentarian. His ability to offer procedural guidance on the workings of this Chamber has earned him the respect and admiration of Members across both sides of the aisle. During my tenure as Chair of the House Rules Committee, John and his Office were invaluable resources to the Rules Committee and me.

John Sullivan has served the House with distinction during some of the most important debates of recent history. His unparalleled knowledge of parliamentary procedure helped guide us through the debates on the Affordable Care Act which ensured quality, affordable healthcare for millions of Americans, the American Recovery and Reinvestment Act which is helping to create new jobs and encourage investment in our economy, and the Emergency Economic Stabilization Act which has been credited for preventing the collapse of our financial system.

While I join the chorus of voices in offering my best wishes to John on his well deserved retirement from the House, I will certainly miss his warmth, his sense of humor and his humility in this Chamber. Those are attributes that are far too rare these days.

Fortunately, John is leaving the Parliamentarian position in the able hands of Tom Wickham, who I am confident will do a wonderful job. However, I am sure even Tom will agree that he has some rather large shoes to fill. On behalf of a grateful chamber, I’d like to wish John the best of luck, as he starts the next chapter of his distinguished life.

Ms. MATSUI. Mr. Speaker, I rise today to recognize the extraordinary 25 year career of retiring Parliamentarian of the House of Representatives, John V. Sullivan.

A graduate of the United States Air Force Academy and former Air Force Judge Advocate, John exemplifies public service. He began as a House of Representatives by serving as counsel to the Committee on Armed Services, and soon transitioned to the Office of the Parliamentarian. John took on the role of Parliamentarian in 2004, after seventeen years in the Office of the Parliamentarian.

Serving as only the fourth Parliamentarian in modern history, John has consistently conducted himself in the most professional, non-partisan manner. He has been a constant through multiple Congresses, and under Speakers of both parties. John’s knowledge of House procedure and traditions is unparalleled, and he was a model of decorum and even temperament. His service will be missed. Mr. Speaker, I have enjoyed calling John a colleague throughout my time in the House, and ask my colleagues to join me in wishing him all the best in his retirement.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to honor John Sullivan the House Parliamentarian, who is retiring after serving 28 years. John has dedicated his career to public service. Prior to arriving on Capitol Hill, John served our nation for 10 years in the Air Force.

I have known John for nearly two decades. In that time, I have often been impressed by his in-depth knowledge of House Floor procedure and the legislative process.

John has a calm, knowledgeable, and warm demeanor. It is no small feat to be well-liked by Members of both parties. Debate on the House Floor can be contentious at times; however, it is clear that he has used his expertise that he has been able to consistently offer his assistance to Members in a manner that balances the rights of Members from both sides of the aisle. John, I hope you enjoy your retirement.

WE NEED TO TELL THE TRUTH

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the Chair recognizes the gentleman from Arizona (Mr. SCHWEIKERT) for 30 minutes.

Mr. SCHWEIKERT. Mr. Speaker, this is something we try to do out of my office; we try to update a number of the budget numbers we’re seeing coming from particularly the President and try to put them in some perspective. I thought this would be one of those opportunities—because we’re about to work on the budget for the rest of this week—to stand here and help everyone understand some really scary things that are out there in the numbers and some things we’ve been talking about for the last year and the fact that they’re getting worse.

Mr. Speaker, you also, being my friend from Arizona, you’ve actually heard me tell this story.

A year ago, we stood here and did this presentation. When I got back to the office, my phone was ringing. I reached down and picked it up, and it was a gentleman from my district who was nice enough but kept telling me over and over that he didn’t believe me, that the numbers didn’t feel right. After about a half an hour of discussing it with him, I probably was a little too harsh. I said: I don’t know where the feelings key is on my calculator. I think to be hanged up on me. Look, the numbers are real. It doesn’t feel warm and fuzzy, but it’s real.

I’m actually going to break one of the congressional rules in communication where we’re often supposed to talk at a 30,000-foot level. I’m going to drive down into some of the weeds here, but it’s important. This is the future of our country. This is our destiny, unless we make some substantial changes.

The first slide up here—and all of these are going to be on our Web site within the next week, the congressional Web site—is just trying to demonstrate how unrealistic many of these numbers coming from the White House are.

The year 2008 was the peak of revenues into the Federal Government. We’ll give you an idea. The President is saying in 5 years that revenues are going to be up 50 percent from that year. It is a positive reflection on John’s expertise that he has been able to consistently offer his assistance to Members in a manner that balances the rights of Members from both sides of the aisle. John, I hope you enjoy your retirement.

Guess what? On the slides I’m going to show you, we still use the President’s numbers. What I want you to understand is that they are based on, I think, substantial fantasy when you start to understand the White House’s understanding of what they are predicting as revenues and GDP growth.

As we go through these—and I’m going to throw a lot of slides here. The next two slides are the easiest to understand and hopefully tell the greatest part of the story. This is 2011. Sixty-three percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. We’ll call those the mandatory spending. Many people call them the entitlements.

This year, 37 percent of our spending is what we’ll call discretionary, military, and the line of alphabet agencies that we all think of. It’s foreign aid, veterans, all discretionary over here. It’s 37 percent of the spending. This is the 58 percent; that’s about 65, 37? What happens a year from now?

In 2017, basically 5 budget years from now, you notice a little difference. We went from 63 percent to 75 percent which is now in Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits. Five years from now, 75 percent of our budget is in mandatory entitlement spending, and the discretionary keeps getting smaller and smaller and smaller in real dollars, and we’re going to show you in a little bit that are going to demonstrate that even the military goes down in real dollars. No more of this discussion of, well, you guys are just slowing down the growth. No, it actually goes down in real dollars. This is our future.

Understand, the mandatory and entitlement side is growing so fast that in about 10 or 11 years, if you held everything even, it would consume every single year. Do you see, 65, 37? What happens a year from now?

We need to tell the truth. Look, Washington, D.C., has had a bad habit of avoiding a lot of these hard decisions that are ahead of us, and it’s almost like they forgot there were going to be baby boomers. We knew it’s almost like they forgot there were going to be baby boomers. We knew it’s almost like they forgot there were going to be baby boomers. We knew it’s almost like they forgot there were going to be baby boomers. We knew it’s almost like they forgot there were going to be baby boomers.

The first time, the first 10 years, we were going to turn 65 for how many years? Sixty-five years.

We’re now into year one of the baby boomers retiring at the end of the next 17 years. At the end of the 18-year cycle of baby boomers, about 36 percent, 37 percent of our population will be on Social Security, interest on the debt, and veterans benefits.

This is our future. We need to tell the truth.

We need to tell the truth. We need to tell the truth.
and tell the truth to the American people that this is our future. If we don’t deal with it today, we’re going to deal with devastating consequences a couple of years from now.

In the next couple of slides, I’m going to try to demonstrate the numbers and how they break down.

And I’m sorry, I know I’m throwing lots of slides, but one more time, this is important. This is our future.

This is 2011. Everything you see in the blue is the mandatory spending we were just talking about. So you get some sort of sense of what it is. Here’s Social Security. Here’s what we’ll call the welfare programs. Medicare, Medicaid, interest on the debt.

We are one of the luckiest people to ever live, when you think about this year. We expect to spend only about $229 billion on interest on our debt. Well, understand, our debt now is what $15.5 trillion. About $11 trillion plus of that is what we call publicly-held debt.

This is important to understand. A big chunk of our debt we borrow internally. We reach into Social Security, into Medicaid, into Medicare part A trust fund, and other places. But the $1 trillion plus that we have to go out on open markets and sell, that’s our great risk because we are beholden to what interest rate the market’s willing to buy our debt for.

This year, with these incredibly low interest rates, I mean, what, a 10-year bond today is what 2.25%? We’re only going to spend about $229 billion this year is our projection for that $11 trillion of publicly-held debt.

But what happens when we go to normal interest rates? And at the same time, just like this last year where we borrowed what, another $1.4 trillion, you’ve got to understand, here it becomes one of our Achilles’ heels.

We go from, in 2011, that $229 billion in interest, to in 2017, we expect interest to be $565 billion. Understand, that’s basically, in 2017, what defense is. Our interest on the debt will equal what defense is.

And as we walk through these numbers, please understand, it’s Medicare, Medicaid, Social Security, interest on the debt, veterans benefits that are exploding because of the demographic issues. It’s math. And this is our future.

And you’ll notice, as we were showing in the previous chart, discretionary now is down to 25 percent of all spending; 75 percent is those mandatory—what we like to call entitlements. And this is our future.

As I was just trying to share, and this is important because I got this question at a town hall this last Saturday. Well, when you say that defense is going to be taking all sorts of cuts, you mean just cuts in the growth. No, it means real dollars. We expect, the way the budgets are being laid out right now, the way the President’s numbers are, by 2017, actual, real dollars, not adjusted for inflation, not the projection or a portion of growth, real dollars are going to be substantially less than they are today. Our projected 2012 budget about $700 billion. In 2017, $562 billion.

What are the Federal Government’s constitutional obligations? Protection of the country? Defense? And you’ll notice, in real dollars, it’s going down. So what will even be the purchasing power of that money 5 years from now? And you’ll start to understand the reality of what’s going on. And please understand, it’s being driven, why? Because the mandatory spending, the entitlements are continuing to explode, so everything else in government will shrink and be crushed.

We thought we would try to find even a little more detail. These are brand new slides for us, and these will all be up on our Web site hopefully some time this week, and sort of helping put percentages on the numbers.

You saw the big graph of, hey, in 5 years, 75 percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. But we thought we’d show here are the current percentages so you can see what’s going on there.

This is 2011. Defense is 18.8. In 5 years defense will be 12.4 percent of the budget.

Department of Health and Human Services, which is substantially Medicare and Medicaid, this year is 24.7 percent of the spending. In 5 years, it’s 29.6.

But where else is the explosion? Department of Treasury, which is substantially debt, paying interest on our debt, will go from 14.9 percent of the total budget in 5 years to 20.5 percent.

What I’m trying to demonstrate here is we’re being consumed by our own interest, having to finance our own debt. We’re being consumed by the basic demographics of our Nation because is our shame, is our failure, is our tax system, is our entitlements. But we thought we’d show here are the current percentages so you can see what’s going on there.

What does it actually pay? What does it actually mean?

If you use the President’s own model and don’t pretend that there is going to be trillion tax cut, smart lawyers finding ways around it, and that it doesn’t slow down the economy and doesn’t change people’s behaviors and all the other things that happen when you raise a tax and live in math fantasy, so every dime comes into the Federal Government, what does it actually buy us?

Well, we did the math on it, and we figured out it would pay for 3 minutes and 30 seconds of that daily borrowing. So when you see Members talk up to these microphones, tell people about it, it’s like things like well, if we just had the Buffett Rule, we would be fine, they’re not telling you the truth.

Or it’s back to that story before—they found a feelings button on their calculator, and it makes them feel better, but it’s not real math.

The entire Buffett Rule would pay for 3 minutes and 30 seconds of borrowing a day, at the current rate of borrowing, which adds up to $3.5 billion a day.

Mr. Speaker, I know this is a lot of math. I know these are a lot of numbers to throw out, but it’s our future. When you see what’s happened in Europe, when you realize people in Greece and so many other countries lived in a fantasy, and a lot of it was perpetuated by their own governments not telling them the truth—well, I’m telling you the truth, and I’m using the President’s own numbers to get there. It’s why the decisions that are going to be made here this week, as we start to set our budget documents, it’s why we desperately need the Senate to step up and tell the truth to the American people, that if you want to save this Republic, we’ve got to deal with the reality of our math, because our math is the single most dangerous thing to this Republic right now.

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

Under clause 2 of rule XIV, executive communications were taken from the Speaker's desk and referred as follows:

5427. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Wooden Handicrafts From China [Docket No.: APHIS-2007-0117] (RIN: 0597-AC90) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5428. A letter from the Director of Operational Test and Evaluation, Department of Defense, transmitting FY 2011 Annual Report, pursuant to 5 U.S.C. 114; to the Committee on Armed Services.


5432. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting the Commission’s final rule — Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act (RIN: 0046-AA76) received March 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


5434. A letter from the Secretary, Department of Health and Human Services, transmitting the Department’s final rule — Approval Tests and Standards for Closed-Circuit Television Equipment (Docket No.: NOSH-065) (RIN: 0920-AA10) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


5437. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission’s final rule — Nuclear Fuel Storage Casks: HI-STORM 100, Revision 8 [NRC-2011-0221] (RIN: 3150-AJ65) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5438. A letter from the Director, International Cooperation, Department of Defense, transmitting the Arms Export Control Act Section 12(f) of the Arms Export Control Act and Section 1(f) of Executive Order 13158, Transmittal No. 2-12 informing of an intent to sign the Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

5439. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5440. A letter from the Director, Department of the Interior, transmitting Report on the Recovery on Threatened and Endangered Species for Fiscal Years 2009-2010; to the Committee on Natural Resources.

5441. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Caribbean: Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection Program (Docket No.: 2009-0103) (RIN: 0648-BA80) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5442. A letter from the Acting Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Capping the Gulf of Alaska (Docket No.: 10112652-0640-02) (RIN: 0648-XA988) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5443. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Winter Flounder Catch Limits (RIN: 0648-BA80) received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5446. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Exclusive Economic Zone Off Alaska; Gulf of Alaska (RIN: 101203178-2207-01) (RIN: 0648-XA913) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5447. A letter from the Attorney General, Office of the Attorney General, transmitting the Office’s decision not to appeal the decision of the district court in the case of the United States v. William L. Cassidy, No. 81-11-91 (D. Md. Dec. 15, 2011); to the Committee on the Judiciary.


5449. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Revision of Class D and Class E Airspace: Hawthorne, CA (Docket No.: FAA-2011-0610; Airspace Docket No. 11-AWP-10) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration’s final rule — Women-Owned Small Business Federal Contract Program (RIN: 3245-AH34) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5452. A letter from the Director of Regulation Policy and Management Office of the General Counsel, Department of Veterans Affairs, transmitting the Department’s final rule — Exempting In-Home Video Telehealth from Copayments (RIN: 2960-AB06) received March 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

5453. A letter from the Secretary, Department of Health and Human Services, transmitting the Department’s report entitled, “Evaluation of the Mentoring Children of Prisoners Program”: to the Committee on Ways and Means.


5455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service’s final rule — Validation of the Training Educational Program; to the Committee on Ways and Means.
Service, transmitting the Service’s final rule—
Automatic Consent to change to the methods of accounting provided in the tangible property temporary regulations (T.D. 9564) revised Mar. 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5496. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department’s final rule—Medicare Program; Revisions to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Safeguards (CMS-6056-P2) (RIN: 0938-AQ57) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(2); to the Committee on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL. Committee on Rules. House Resolution 597. Resolution providing for the consideration of House Resolution 2022, and providing for consideration of motions to suspend the rules (Rept. 112–423). Referred, as follows:

By Ms. BONO MACK (for herself and Mr. BLACKBURN):

H.R. 4267. A bill to designate certain National Forest in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. AMASH (for himself and Mr. FLAKE):

H.R. 4268. A bill to abolish the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. GRIFFITH of Virginia (for himself, Mr. OWENS, and Mr. POE of Texas):

H.R. 4269. A bill to amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition; to the Committee on Oversight and Government Reform.

By Ms. HOCHUL (for herself, Mr. GRIFFITH of Virginia, and Mrs. NOEM):

H.R. 4270. A bill to amend title 39, United States Code, to suspend bonus authority with respect to the Postmaster General and certain other postal officials in any year in which a postal retail facility or mail processing facility is closed, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MOORE (for herself, Ms. DEGETTE, Ms. NORTON, Ms. BALDWIN, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Ms. HAIN, Ms. MENDOZA, Ms. BERKLEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. EDWARDS, Ms. PINGREE of Maine, Ms. LOWRY, Ms. WASSERMAN SCHULTZE, Ms. WOOLSEY, Ms. FUGG, and Ms. Matsu):

H.R. 4271. A bill to authorize the reauthorization of the Violence Against Women Act of 1994; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Financial Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 4272. A bill to authorize the Secretary of Transportation to make capital grants for certain freight rail economic development projects; to the Committee on Transportation and Infrastructure.

By Mr. WEBSTER:

H. Res. 596. A resolution requesting return of official papers on H.R. 5; considered and agreed to.

By Mr. DOYLE (for himself and Mr. GINGREY of Georgia):

H. Res. 598. A resolution in support of the designation of National Robotics Week as an annual event; to the Committee on Science, Space, and Technology, and in addition to the Committees on Energy and Commerce, and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF:

H. Res. 599. A resolution honoring Byung Wook Yoon, Ph.D for his outstanding service on behalf of the American community; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following reports are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. BONO MACK:

H.R. 4273. A bill that Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BIGGERT:

H.R. 4274. Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 (relating to the general welfare of the United States); and Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CRAWFORD:

H.R. 4275. Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in The 16th Article of Amendment to the Constitution.

By Mr. SCHIFF:

H.R. 4276. Congress has the power to enact this legislation pursuant to the following:

The Protecting Pregnant Women and Children From Hexavalent Chromium Act is constitutional under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The bill constitutional authority under the necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. MATHESON:

H.R. 4277. Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. AMASH:

H.R. 4278. Congress has the power to enact this legislation pursuant to the following:

The Export-Import Bank is purported to be constitutional under the congressional power to regulate Commerce with foreign Nations’ in Article I, Section 8, Clause 3 of the Constitution. Congress has the implied power to repeal laws that exceed its constitutional authority as well as laws within its constitutional authority.

By Mr. GRIFFITH of Virginia:

H.R. 4279. Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. HOCHUL:

H.R. 4280. Congress has the power to enact this legislation pursuant to the following:

By Ms. MOORE:

H.R. 4281. Congress has the power to enact this legislation pursuant to the following:

By Mr. NADLER:

H.R. 4282. Congress has the power to enact this legislation pursuant to the following:

By Mr. SCHIFF:

H.R. 4283. Congress has the power to enact this legislation pursuant to the following:

By Mr. HARPER, Mr. ROSS of Florida, Mrs. BLACK, Mr. SMITH of Texas, and Mr. HASTINGS of Washington.

By Mr. RUPPENESSER, Mr. HINOJOSA, Mr. LARSEN of Washington, Ms. NORTON, and Mr. FILNER.
The Senate met at 10 a.m. and was called to order by the Honorable Jeff Bingaman, a Senator from the State of New Mexico.

**PRAYER**

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

> Let us pray.

Eternal Father, who changes not, thank You for Your mercies ever changing, ever new. Teach us to be thankful for the changing faces of nature and the blessings every season brings. As we are grateful for the warmth of spring, so may we be joyful when winter comes and the harvest is past. Through days of warmth or chill, through hours of happiness or adversity, may we walk with You as with a friend known of old. Today, use the Members of this body for Your glory. Purge them of all that makes for discord, that in unity they may be prepared for Your service.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Jeff Bingaman 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 27, 2012.
>
> To the Senate:
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jeff Bingaman, a Senator from the State of New Mexico, to perform the duties of the Chair.
>
> Daniel K. Inouye,
>
> President pro tempore.

> Mr. Bingaman thereupon assumed the chair as Acting President pro tempore.

> Mr. Reid. Mr. President, I suggest the absence of a quorum.

> The Acting President pro tempore. The clerk will call the roll.

> The legislative clerk proceeded to call the roll.

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

> The Acting President pro tempore. Without objection, it is so ordered.

**RECOGNITION OF THE MAJORITY LEADER**

The Acting President pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. Reid. Mr. President, following any leader remarks, the Senate will be in a period of morning business for an hour. The Republicans will control the first half, the majority the final half. Following that morning business, the Senate will resume consideration of the motion to proceed to the repeal of Big Oil tax subsidies legislation. This will be postcloture.

At 12:30 p.m. today, the Senate will recess to accommodate the weekly caucus meetings. Senators are reminded that the official photograph of the 112th Congress will take place at 2:15 p.m. today in the Chamber.

**MEASURE PLACED ON THE CALENDAR—S. 2237**

Mr. Reid. Mr. President, I understand S. 2237 is at the desk and due for a second reading.

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

> The Acting President pro tempore. Objection having been heard, the bill will be placed on the calendar.

**OIL AND GAS SUBSIDIES**

Mr. Reid. Mr. President, the Senate yesterday took the first step toward repealing wasteful taxpayer subsidies to oil and gas companies. I was pleased my Republican colleagues joined Senate Democrats to move this debate forward.

The country deserves to hear the truth about double dipping—double dipping—by oil companies. They take taxpayer money with one hand and raise gas prices with the other hand. There has never been a more perfect illustration of this than what has happened recently. The country deserves to hear the truth about these oil companies.

But do not be fooled by last night’s bipartisan vote. Senate Republicans would never, ever side with American taxpayers against Big Oil. It is against their nature. It is against their political philosophy, as indicated by the numerous votes they have taken against this. They proved it yesterday with rhetoric. They proved exactly what I have said. They proved it last year with nearly a party-line vote against legislation to hold back handouts to oil companies that were making record profits then.

The records have been broken. There is a handful of those oil companies—one handful—that last year made $137 billion.
Despite this rhetoric of the Republicans, Americans understand it will take more than a bumper-sticker slogan to stop the pain at the pump. We have to reduce the Nation’s reliance on foreign oil. But we cannot drill our way to energy independence. We are doing better today financially and so well during the Obama years. Every year he has been President, production has gone up and the use of oil has gone down.

We must continue looking for responsible new domestic oil sources. But we must also invest in the clean energy technologies of tomorrow to create good jobs for today.

Repealing almost $24 billion in wasteful subsidies to oil companies would pay for these clean energy investments—with money left over to do something about the deficit.

America has less than 2 percent of the oil reserves in the world but consumes more than 20 percent of the world’s oil supply each year. So drilling will alone will not solve our reliance on foreign oil.

Last year America used a lower percentage of foreign oil than at any time in almost two decades, thanks to President Obama’s policies. Domestic oil production, I repeat, has increased every year during the Obama administration. Meanwhile, American dependence on foreign oil has decreased each year. Yet prices at the pump have continued to rise.

Here is why. For every penny the price at the pump goes up, the major oil companies—there are five of them—make an additional $200 million in profits each quarter. So let’s say that again. For every penny you pay extra at the gas pump, these five oil companies make $200 million.

Well, it does not take a lot of math to understand that gas prices have risen 62 cents this year, so take $200 million times 62 and you have a huge amount of billions of dollars. Every time the price at the pump increases by 62 cents, the price of a gallon of gas, oil companies make $200 million. So—62 cents—they have made billions this year.

Last year they raked in $137 billion in profits, and they are on pace for another record-breaking year of astronomical profits. So it is beyond ridiculous when Republicans argue oil companies need billions in taxpayer subsidies each year.

Middle-class families are struggling. Oil companies that last year raked in $261,000 a minute. 24 hours a day. 365 days of the year, are not struggling.

Mr. President, listen to this again. Oil companies last year raked in $261,000 a minute. 24 hours a day. no weekends off. no holidays. They did it 365 days of the year. They are not struggling at all and that, of course, is a gross understatement. That is why this matter is now before the Senate.

IRAN SANCTIONS

Mr. REID. On another topic that is extremely important, Mr. President, I have talked about how obvious it is America needs to reduce its reliance on foreign oil. But if anyone needs another reason, just look at the regimes that benefit from the global addiction to oil.

For example, Iran. Iran uses profits from global oil sales to support its terrorism around the world, its nuclear weapons program. So it is critical the Senate act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel, and ultimately jeopardizing U.S. national security.

This country is fortunate to have the person who is leading the Central Intelligence Agency: GEN David Petraeus. I had the good fortune yesterday to spend an hour with him. He is a good man. He understands what is going on in the world.

We must be vigilant, as we are, about what is going on in Iran. I repeat, we must act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel and further terrorizing other parts of the world.

The only way to get sanctions in place now is to take up a bipartisan bill that passed unanimously out of the Senate Banking Committee. I would like and I am going to move to this. My staff has alerted the Republican leader I am going to ask consent soon to move forward on this unanimously reported bill out of the Banking Committee.

Unfortunately, I have been told my Republican colleagues will object to moving forward with these new sanctions because they want to offer additional amendments. I have Democrats who want to offer additional amendments also, but we do not have the time to slow down passage of this legislation.

Let’s move to the next step. When we put this away, we are not going to be finished with Iran. There are a number of Democrats who also wish to offer amendments to this bill, but in an effort to get sanctions in place now. Democrats have agreed to streamline the process and refrain from offering their amendments.

We cannot afford to slow down the process. Passing this bill now will help prevent Iran from acquiring a nuclear weapon. And that is a goal on which we should all agree.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would the Chair announce the business of the day.

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, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the Majority controlling the final half.

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

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

The legislative clerk proceeded to call the roll.

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

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

RACIAL PROFILING

Mr. CARDIN. Mr. President, I rise today to discuss the tragic death of Trayvon Martin and the larger issue of racial profiling. On Monday I spoke about this issue at the Center for Urban Families in Baltimore. Joining me were representatives from various faith and civil rights groups in Baltimore as well as graduates from the center’s program.

This weekend we saw numerous rallies take place across the United States, including rallies called Million Hoodie Marches where individuals wore hoodies in solidarity with Trayvon Martin.

I was touched by what President Obama said on Friday about this case. He said:

If I had a son, he’d look like Trayvon. And I think every parent in America should be able to understand why it is absolutely imperitive that we investigate every aspect of this. I think all of us have to do some soul searching to figure out how something like this happened.

That is why I am so pleased that the Justice Department, under the supervision of Attorney General Eric Holder, has announced an investigation into the avoidable shooting death of Trayvon Martin on February 26, 2012. As we all know from the news, an unarmed Martin, 17, was shot in Sanford, FL, on his way home from a convenience store by a neighborhood watch volunteer.

I am pleased that the Civil Rights Division of the Justice Department will join the Federal Bureau of Investigation in investigating the tragic, avoidable shooting death of Trayvon Martin. In particular, I also support the Justice Department’s decision to send the Community Relations Service to Sanford to help defuse tensions while the investigation is being conducted.

I join all Americans in wanting a full and complete investigation into the shooting death of Trayvon Martin to ensure that justice is served. There are many questions we need the Justice Department to answer. One is whether Trayvon was the victim of a hate crime by Zimmerman. One is whether
Trayvon was a victim of racial profiling by the police. In other words, was Trayvon targeted by Mr. Zimmerman because he was Black? Was Trayvon treated differently by local law enforcement in their shooting investigation than he was Black and the aggressor was White? Would the police have acted differently with a White victim and a Black aggressor?

The Department of Justice has the authority to investigate the potential hate crime as well as whether this is a pattern of misconduct by local law enforcement in terms of applying the law equally to all citizens and not discriminating on the basis of race. Tom Perez is the Assistant Attorney General of the Civil Rights Division of the Department of Justice. I want to make sure we have both Federal and State investigations that ultimately prosecute offenders to the fullest extent of the law as well as make any needed policy changes, particularly to local police practices and procedures.

Trayvon's tragic death also leads to a discussion of the broader issue of racial profiling. I have called for putting an end to racial profiling, a practice that singles out individuals based on their race or religion, the fewer resources we have to actually deal with illegal behavior.

Racial profiling has no place in modern law enforcement. The vast majority of our law enforcement officers who put their lives on the line every day handle the job with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can and should take steps to prohibit racial profiling and finally root out its use.

The 14th Amendment to the U.S. Constitution guarantees equal protection of the law to all Americans. Racial profiling is important to that principle and should be ended once and for all. As the late Senator Kennedy often said, "Civil rights is the great unfinished business of America.” Let’s continue to fight here to make sure we truly have equal justice under law and equal protection of law as guaranteed by our Constitution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

HEALTH CARE

Mr. CORKER. Mr. President, today I rise to speak about the subject our Nation is focused on as the Supreme Court takes up some of the constitutional provisions of the health care law that was passed a couple of years ago in this body.

Obviously, the courts will decide whether the law that was passed is constitutional. There are a number of challenges. That will take place by the end of June, according to what we hear.

Secondly, there is an election process underway where the candidates running for the Republican nomination have talked about the things they will do in the event they are elected as it relates to the health care bill.

I want to talk about the fact that regardless of the Supreme Court and regardless of what may happen in the electoral process, I have yet to meet a person on either side of the aisle—and maybe today will be the first time—who believes this bill can work as it was passed. What that leads me to say is that regardless of what happens, I think most of us are aware that the financial data that was used to put together this bill is flawed, and the fact that it is flawed, it will not work over the long haul.

For the same reasons I railed against the highway bill for breaking the Budget Control Act we just put in place last August, I voted against this bill—the fact that we used 10 years’ worth of revenues and 6 years’ worth of costs, which greatly exacerbates the problem in the outyears; the fact that we took $529 billion in savings from Medicare to create this problem and yet left behind the issue we deal with in this body almost every year and a half, which is to actually deal with the health care costs, deal with with physicians; and then, thirdly, the fact that we placed an unfunded mandate on States.

The State of Tennessee has actually been highly progressive as it relates to health care. In the State of Tennessee, dealing with citizens who are in need, we created a program called TennCare. It went through lots of problems but ultimately the last several years have been functioning in a stable way. But what this bill did was mandate to the State of Tennessee that in order to keep the Medicaid funding that funds TennCare, the State has to, on its own accord, match Federal grants of $1.1 billion in costs. So from 2014 to 2019, what this bill does is mandate that the State of Tennessee use $1.1 billion of its own resources to expand the Medicaid Program to meet the needs this bill has put in place.

This is the point of my being on the floor here today. Again, I do not know of anybody here who believes this bill will cost only what was laid out as we did. If you look at the subsidy levels that this bill lays out—up to 400 percent of poverty—they are massive subsidies. We are talking about people who are earning over $78,000 a year. So when you look at the subsidies this bill has put in place, what is going to quickly find, especially because we put a subsidy in place on the one hand and on the other hand, because this bill lays out the type of coverage companies have to have in place—there are massive subsidies that cause those costs to rise, and we have already seen that happening throughout our private sector; I think that is undeniable—what is going to happen is the companies are going to say: We would rather off pay the $2,000 penalty. Our employees get these massive subsidies, by the way, that are paid for by all taxpayers in America.

What that means is that there are going to be far more people on these public exchanges than ever were anticipated when this bill was being put in place.

My point is that the bill, when it was being constructed, used 10 years’ worth of revenues and 6 years’ worth of cost, and that made it neutral. Anybody can see that in the outyears that is obviously going to create a tremendous

March 27, 2012

CONGRESSIONAL RECORD — SENATE

S2041
Mr. ROCKEFELLER. Mr. President, this week there is plenty of drama unfolding at the Supreme Court, the stately building across the street from where we now stand. The Justices are deliberating inside the building. There is a lot of shouting and clanging outside. That is to be expected. But I am here today to encourage all of us to pause for a minute and to step back from the hype and think about what the broader health care reform means to so many Americans, not just the citizens the Presiding Officer and I represent but Americans across this country.

I do think, because I believe strongly that the rhetoric surrounding the issues has become so polarizing, many people routinely overlook the profound ways the law has already made life better to so many Americans. Let's remember why we started down this path of health reform at all.

Let me say for the record this is a path that has been well trodden over the years by both Democrats and Republicans—in fact, over the last century—but we had never managed to enact meaningful reform in our system. Yes, we added on some extraordinary things such as Medicare, Social Security, and Medicaid, but reform of the system we had not done. So we rejoiced in what happened in the mid-1960s, but that doesn't help us in terms of the overall disposition of the system.

When we renewed this debate about how to fairly make sure everyone in the country could get the health care they needed, we actually, at the time as we started, had 46 million uninsured Americans. To be uninsured is not pleasant; it is a fearful condition. Employers had been dropping coverage for a decade due to skyrocketing health care costs. People were losing their jobs and with them their coverage. Even those who had coverage were being saddled with horrendous bills, and they were thrust into bankruptcy even though many of them thought they had coverage that was protecting them financially. They did not, but they thought they did.

Many of those preexisting conditions could not get back into the system at any cost whatsoever. Preexisting conditions are something people have—tens and tens of millions of Americans have those.

Americans thought our system was broken and unfixed and thought it was time to finally achieve our shared goal of access to care and a more affordable system. That was sensible.

Health Care

Mr. ROCKEFELLER. Mr. President, the so-called affordable care act.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

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

Mr. ROCKEFELLER. The Affordable Care Act was supposed to make that happen.

Mr. ROCKEFELLER. I yield the floor.

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

Mr. COCHRAN. Mr. President, the harsh realities of the health care reform law are coming home to roost.

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

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

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

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

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

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

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

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

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.
Let’s start by looking at part of the law that protects those with pre-existing conditions. As I just mentioned, there are about 133 million Americans, individual Americans, who live every day with chronic illnesses—or they fail to live—because of chronic illnesses.

What happens to them when insurance companies refuse to cover their illnesses even while the insurance companies are collecting premiums from them? That is called rescission. It is a dirty little secret of the insurance companies we have been doing to us in America for years. This law stops that.

Before health reform, millions of Americans, including children, could be denied the health care they needed due to a preexisting condition. They might have had asthma. I had asthma until I was 12 years old. I wasn’t worried about insurance, I gather, or maybe I didn’t get sick, but anyway I couldn’t have gotten insurance in those days because I had a preexisting condition.

If a woman has a C-section, she has a preexisting condition. If someone has acne, that person can have a pre-existing condition. If people have asthma, can they have a pre-existing condition if the insurance company says they do, so they just cut them off. It is called rescission. They cut them off even though they are paying premiums. That is unfair.

I want to talk about what this has meant to real people every day. It means people have lived in fear of losing their employer-sponsored coverage or even leaving a job to start their own business for fear that they could not get coverage. It meant if somebody did get coverage, the insurance company could just carve out their condition. In other words, they could just get rid of them, dump them.

What is the practical implication of this company abuse? Consider this: People could get coverage if they had cancer, but the cancer would not be covered. Not good. And the pre-existing condition doesn’t have to be as complex as cancer. Insurance companies could deny coverage for something as simple as allergies.

Before health reform, insurance companies could even deny coverage to a woman if she was a victim of domestic violence and had to be treated. That is unimaginably cruel, but it was a fact.

The patient under the health reform law preexisting conditions will no longer be a barrier to quality affordable health care. That is over. They cannot do it. It is against the law—the law which so many are trying to repeal.

Is there anyone here who would like to go back to the old days, those good old days when individuals, including millions of children, were punished for things they couldn’t possibly control? They were subject to devastating medical costs without the benefit of insurance—or their families were. I don’t think people would want to go back there, but, of course, that is what will happen if we abandon all of this.

Let’s talk now about another piece of this great effort that also is often overlooked, and it is the coverage of young adults under the age of 26. I want to talk about the Presiding Officer likes about this bill.

In the past, many young adults in my State and everywhere have gone without health insurance as they made their way into the world after graduation. That is a ticklish time. Most of these young adults are not slackers, as they have sometimes been called. Many simply start out in low-wage or part-time jobs that typically do not offer health coverage. Because they were over the age of 18, and therefore technically adults, they were not able to maintain coverage under their parents’ health insurance plan.

This meant many young adults would forfeit basic things such as checkups or put off seeing a doctor when they had a health problem they thought it would go away. But that is no way to live, particularly not when 15 percent of young Americans suffer from a chronic health condition such as depression or diabetes—yes, that young—and not old—woman had to go to the ER 76 times in the past year. And uninsured adults report not getting needed care because of cost.

Before health reform young adults represented one-third of our Nation’s uninsured population. People always think of health care as an old person’s issue. Not so. They take risks. They end up in the emergency room often. Think about how many young adults and their families are so much in a better position. Why is that? That is because the law now allows young adults, with no coverage of their own, to pay premiums and to stay on their parents’ health insurance policy up to their 26th birthday. This applies even if they no longer live at home, if they are no longer a student or they are no longer dependents on their parents’ tax returns. In other words, they have coverage up to the age of 26.

As a result, over 2.5 million young adults gained coverage they did not have before—that is a fact today—including more than 16,000 young adults in West Virginia. Those families have the peace of mind that their families will be financially protected should an injury or an illness occur.

It is important to know that young people suffer a lot of mental health conditions, maybe a little bit more than the rest of the population. We don’t think about that because they are young and therefore always ebullient. No, they are young and often troubled, trying to figure out what life holds for them. These conditions cause them problems, they need insurance, and they can get it.

So right off the bat, parents such as Sam Hickman from West Virginia are pleased with young adult coverage. Isn’t our country a better place—it would seem to me—when people have the security of knowing they are covered in case of illness or injury. To me, it just makes sense; maybe more important, to the people it brings peace of mind.

It is not all. The law provides access to free preventive health services and easier primary care, as well as increased financial assistance for students through new scholarships and loan repayment programs to build a stronger health care workforce. That is a major part of this bill.

In West Virginia, the Presiding Officer knows, and all across the country, particularly in rural areas, we have a shortage of various kinds of necessary physicians and health care providers. In fact, one of my favorite parts of this law is the significant new financial incentives it creates to encourage young adults to go into primary care—dentistry, pediatrics, nursing, and mental health—to precisely address those shortages. It is in the bill.

Lastly, it makes it easier for young people to get into those well-paying stable jobs.

Health care jobs continue to be a major stabilizing factor in our economy. Creating additional jobs in our local communities is something many in this body have fought for in all kinds of ways—tax credits and plans and all kinds of things—but in the meantime, health reform tackles that problem too, just inexorably. Health care jobs continue to grow year after year, most of them private, obviously.

Just look at the numbers from the month of February. The health care sector once again led the Nation’s job growth last month, adding about 49,000 jobs, which was about the same as the month before. Health care is the economic engine—in fact, it kind of underlies our economy. It is silent, it is relentless, and it will not stop because health care is something people cannot walk away from—the receiving of or the providing for.

Another important group helped by health care reform is our Nation’s seniors, starting with lowering the cost of their Medicare prescription drug coverage. That is very important in West Virginia, as the Presiding Officer knows. Thanks to the new health care law almost 40,000 people with Medicare in West Virginia received a $250 rebate—they have already got it—to help cover the cost of their prescription drugs when they hit that famous doughnut hole in 2010. I will not bother to explain that.

In 2011, more than 36,000 West Virginians with Medicare received a 50 percent discount on their covered brand-name prescription drugs when, as I explained in the doughnut hole, that is called very good news. Then we go on to close the doughnut hole entirely.

This discount I am talking of resulted in an average savings of $653 per person and a total savings of over $23.5 million in our State of West Virginia. By 2020, the law will close the doughnut hole completely, and I think that is rather sensational news for seniors.
Closing the doughnut hole is not all this law does for seniors. Under the new law, seniors can receive recommended preventive services. We talk about that all the time, and we always think it is not in a bill. Preventive services such as flu shots, diabetes screening, colonoscopies, or a free annual wellness visit with a doctor are available. We have developed the Medicare Program, which is called Medicare and Medicaid. Those, obviously, are known as our dual-eligibles: people who are poor enough to be on Medicaid and old enough to be on Medicare, so they can’t afford life, so to speak. They need help and they need heat, care, so they can’t afford life, so to speak. They need help and they need health care, so they can’t afford it. They can’t just say: Oh, we provide. It is required by law. They have to pay for it. They have to pay for it and they don’t have the money. So now they can get all of these services and among all of these things for free. So far, more than 30.5 million seniors nationwide have already received one or more free preventive services, including the new, as I indicated, annual wellness visit, which is a very good idea for any person.

In 2011 more than 230,000 people with Medicare in West Virginia received free preventive services such as mammograms, colonoscopies, or a free annual wellness visit with a doctor, and all over the Internet so the next doctor actually talks to each other, but we don’t. Doctors and hospitals often operate as in a vacuum, sort of taking it on a case-by-case basis. That is bad for patients. The health care law also helps stop fraud with tougher screening procedures and stronger penalties and new technology that can catch all kinds of things. Thanks in part to these efforts, we recovered $4.1 billion in taxpayer dollars in 2011. That was last year. The second year’s recovery hit this record-breaking level also. West Virginia could have gone to pay for criminals who are defrauding the system, and the administration is cracking down on this. Believe it or not, it is.

And I am not done. In just over 18 months, a new competitive health insurance marketplace called an exchange—which has everybody nervous for no reason at all; it is great news—will be up and running in West Virginia and all across the country where individuals and small businesses can shop for health insurance. It is not government; it is all private. An estimated 180,000 West Virginians will be eligible for $867 million in premium tax credits to help cover the cost of private health insurance in the first year 2014 when the exchanges start.

Families all over the country will finally have more power when it comes to buying health insurance that works for them—having more power is a big deal. It’s a big deal for health insurance—thanks to a clear, transparent summary of benefits. Yes, you actually get to see the choices from which you can pick. You have a list of all the services they are going to provide. It is required by law. They can’t cheat. They can’t just say: Oh, we will take care of you. Sign up with us. We are a big insurance company. So they get the transparent summary of benefits and coverage that will let them compare benefits on an apples-to-apples basis, which will come standard with every single private insurance plan, which will be what makes up the exchanges. They will go through that, and they will pick out what best suits them.

In fact, it is quite telling that this little-known provision I have just talked about is the single most popular one in the entire law. I didn’t know that. Eighty-four percent of Americans think it is really good. They like the idea of being able to choose what they are going to get in health care coverage. The insurance companies, of course, hate it and have been fighting with everything they have, but we have been beating it back, Mr. President, as you would expect us to. They have a right to know, and now they can. So I look forward to September of this year when every insurance company finally has to come clean about what benefits are actually covered and the products they are selling. It will be there in black and white. They can read it, and families will obviously have much more purchasing power in their hands. What we need is that?

While opponents have gotten used to talking about how the law costs too much, in fact, it has great provisions that will not only improve the quality of care but also save billions of dollars—yes, that is true—for example, the average $2,500 discount thousands of West Virginia small businesses received last December as a result of the medical loss ratio rule. That was what followed the public option. Everybody so loved the public option. They thought it was wonderful. The only problem is that it could not get votes from the Finance Committee, so it could not come down here and we could not do anything about it, so we passed the medical loss ratio. It is totally understandable, right? The question is, How does it work? Does it help people? And it does because it says that health insurance companies are required to spend at least 80 percent of everything they have to help cover the cost of private health insurance at least 85 percent law, and that is probably going to be several billions of dollars—at the very least, hundreds and hundreds of millions, and that is kind of like billions—and it starts this year. I am delighted.

Now, the Independent Payment Advisory Board, or IPAB, was an example. IPAB is not well understood and therefore not well received. What is not understood is generally not well received. That doesn’t mean it is not good. IPAB will be made up of smart doctors, nurses, and other health care experts who will figure out ways to improve the quality of Medicare services and make sure the Medicare trust fund stays strong. And IPAB is legally forbidden in this law—which the folks across the street are now considering—from recommending Medicare benefits or in any way increasing cost sharing on the part of Medicare recipients. That is in the law—cannot cut benefits, no cost sharing.

Yet the House just last week rallied behind an effort to reinstate IPAB. They didn’t know what it was or they had really bad dreams about what it was, so they repealed it and felt better. The House vote is a good example of what happens when special interest wins and special interest wins.

The Independent Payment Advisory Board was created to protect Medicare for seniors by improving the quality of
Medicare services and by extending the life of Medicare for years to come. Instead of making Medicare better, House Republicans want to decimate the program and force seniors to pay much more and give private health insurance companies and other special interests the authority to raid the Medicare trust fund, which they will do in order to pad their bottom line, which they would love to do. This would take us exactly in the wrong direction. Every single senior in America should be outraged.

You can even get simple things like better information about private health insurance by just going to the Web site healthcare.gov. The information is out there to help people shop for better coverage today.

There is so much more that has already happened and more to come, such as the nearly $70 million in grants West Virginia has already received for things like community health centers. We put aside $10 billion in the bill for maybe up to 1,000 new rural health care clinics across America. As the President said, in places such as Lincoln County in West Virginia, people don’t want to go to hospitals, but they will go to clinics happily because they are on the first floor, tend to be in buildings that used to be stores or whatever, and they get good medical care right there.

In closing, why would we want to throw this law out the window knowing just these facts? Think about it. The reforms here are the most significant reforms in health care in several generations. It is an effort that 50 years from now history will record the same way we do Social Security or Medicare Programs—as an essential part of the implicit promise to care for its citizens, to allow people to age with dignity, and to find ways to make our society work.

So as we mark the 2-year anniversary of the health care reform law becoming law of the land—and the folks across the street will decide if that stands up or not, but I think they will—I, for one, am proud of my role in its passage and grateful that Congress came together on such a historic issue.

I thank the Presiding Officer.

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

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

Mr. KYL. I ask unanimous consent to speak in morning business for up to 10 minutes.

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

TAX SUBSIDIES REPEAL

Mr. KYL. Mr. President, I will address the bill that will be before us later today.

The title of the bill is “Repeal Big Oil Tax Subsidies Act.” I think that title begs the question: What is a tax subsidy? It should be defined as a tax subsidy as a payment of cash, such as through a tax credit, from the government to a particular industry. Does this bill address subsidies? The answer is, absolutely. But instead of repealing subsidies, it actually creates more of them.

Under this bill, the government would subsidize particular industries or activities through a host of tax credits. These subsidies range from tax credits for energy-efficient homes, alternative fuel vehicles, plug-in electric vehicles, cellulose biofuels, wind energy production, biodiesel and renewable diesel, and the list goes on and on. In other words, the Tax Code would be providing special cash subsidies to industries, and the one thing that is common to all these is that they are the so-called green energies. They are the ones that would receive the special tax treatment, to the tune of $12 billion. There are even direct cash grants from the Treasury Department for industries that invest in green energy so companies don’t have to worry about whether they have a tax liability to take advantage—direct cash grants. These are clearly subsidies aimed at particular industries, the very thing the President himself has said we should avoid if we want a simpler Tax Code with lower rates that doesn’t pick winners and losers.

So, yes, this bill deals with tax subsidies. It creates a bunch of them, and they are in a very specific area—$12 billion worth.

What about oil and gas? It turns out there are no special tax provisions for oil and gas. There is no special oil and gas loophole or giveaway, as somebody called it. Oil and gas companies use the same IRS Code other kinds of companies use. They pay taxes under those provisions. They get deductions or credits under some other of those provisions but nothing that doesn’t apply to other industries the same way. In fact, what this bill does is to take away the rights of oil and gas companies under some of these provisions and leave these intact for others. In other words, it discriminates against specific companies within a specific industry.

There are four particular areas. The first is section 199 of the Tax Code. This is the basic code under which all producers—people who manufacture things, who produce things—are allowed to take what is called a manufacturing deduction of 9 percent, except we have already discriminated against the oil companies. They can only take a deduction of 6 percent, but it is the same for the other industries; otherwise, it is 9 percent. But this bill would eliminate that deduction altogether for the larger oil and gas companies—the so-called integrated companies—but not for other domestic producers. So it is discriminatory twice over. Remarkably, therefore, companies such as the Venezuelan company, CITGO—a large oil and gas producer—could continue to take that deduction but U.S.-based companies could not.

How is that for double discrimination? First, all other companies in the country get to deduct 9 percent, big oil companies only get 6 percent. If this bill becomes law, this bill would eliminate that deduction for some of the American oil producers.

How about intangible drilling costs. This is part of the so-called R&D—or research and development—tax treatment. Research and development is something many businesses do, and when they do it, they get to deduct those costs as against their tax liability. For the oil and gas industry, the research and development is called intangible drilling costs. This is a subsidy. It includes part of the R&D exploration for energy.

Again, the oil companies are actually already discriminated against; whereas, other businesses can expense 100 percent of these R&D costs; large oil companies, however, get to deduct only 6 percent, and they can only expense 70 percent. So they are already being discriminated against, to some extent. This bill would further discriminate against them by eliminating the expensing altogether. In other words, whereas most companies can expense 100 percent and smaller oil and gas companies could still expense 100 percent, these larger companies could no longer expense any of it. Their current-year deduction would be gone.

The third area is for businesses that have operations abroad that pay both taxes and royalties. They are called dual capacity companies. There are a lot of dual capacity kinds of businesses. Oil and gas is one of them because they pay both taxes and royalties; casino operators are another, to give another example. In order to prevent double taxation for American companies that pay both foreign taxes and American taxes—and obviously they are competing against companies that only pay taxes once—in order to mitigate that, every American company, whether it is an oil company or any other kind of company, is allowed to take a foreign tax credit for foreign taxes paid. So whatever their American tax liability is, they can take a tax credit against that for what they have already paid to another country in tax liability there.

If they owe $100 in taxes and they have already paid Great Britain $70 in taxes, then they get to take a credit of that $70 against the $100 American liability. That is the way it works for all businesses abroad, including the dual capacity taxpayers.

This bill would eliminate part of the foreign tax credit for the large integrated oil and gas companies; therefore, putting our companies at a severe disadvantage with other oil and gas
companies doing business around the world. Of course, oil and gas business is all around the world. They go where the oil or the gas is and extract it and then ship it to the user. Why would we deliberately give foreign competitors an even greater advantage in foreign markets than they already enjoy? As I said, this bill singles out oil and gas companies and would not extend the same discriminatory treatment to other dual capacity taxpayers such as, as I have said before, casinos. Again, it is a double discrimination against oil and gas companies.

Finally, we have what is called percentage depletion. Every company, including oil and gas companies, that extracts minerals from the Earth or other substances from the Earth is allowed to use the percentage depletion method for calculating their taxes.

But, again, for the last 30 years, the large integrated oil and gas companies can’t do it. So they are already prohibited from using this method. This bill repeals it again, so we are going to repeal something that has already been repealed. That is OK. It is not necessary. I guess it is a way to further kick somebody in the rear end if we don’t like them.

The question is, therefore, why should we be doing this to oil and gas companies. The Wall Street Journal pointed out in a recent editorial—by the way, the title is “Big Oil, Bigger Taxes”—that the oil and gas industry is subsidizing the government, not the other way around. Because of the amount of taxes oil companies pay for far more than other companies—they are actually subsidizing the U.S. Government.

Oil and gas companies paid almost $36 billion in taxes in 2009 alone. That is just one industry—the oil and gas industry. According to American Petroleum Institute figures, oil and gas companies had an average effective tax rate of 41 percent in 2010 and paid more in total taxes than any other industry.

For those folks who somehow suggest oil and gas is getting some big break, that they are not paying their fair share in taxes, this evidence clearly refutes that. We will remember the President’s Buffet rule: Everybody should pay at least 30 percent in taxes. Oil and gas companies already pay at the rate of 41 percent, so it is not as if they are getting off with some kind of special break.

Generally, our Tax Code allows companies to recover their expenses. It allows businesses, including oil and gas businesses, to recover their costs of doing business. As I said before, the oil and gas industry is already discriminated against. They can’t recover all their costs. Under section 199, for example, other companies get to deduct 9 percent; they can only deduct 6 percent. This bill would also remove provisions that allow them to expense. So the code which already treats them the same or worse than other industries would now treat them substantially worse.

Yes, of course, oil and gas companies have profits and, in some cases, they are large profits. But they are large in scale—their businesses are large in scale—because they have to be in order to compete. It costs billions of dollars just to invest in one oil rig out in the Gulf of Mexico. According to industry estimates, it costs between $1.3 billion and $5.7 billion to produce oil in one deepwater platform in the Gulf of Mexico. Think about it: If someone is making $200 a year, obviously, they can’t make companies that are making an enormous amount of money to spend $5 billion on one oil platform to try to find oil and gas. Don’t we want companies such as that to find oil and gas so we can get more of it on the market so we don’t have to pay as much when we try to fill our car at the pump?

What would happen if we used the Tax Code to further penalize oil and gas companies with these massive tax increases? Could we think the costs aren’t going to be passed on?

According to the Congressional Research Service, tax increases such as the ones in the bill “would make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence.”

Everybody talks about reducing the price of gas at the pump and reducing U.S. dependence. What these tax increases would do is to further that dependence and increase the prices at the pump. This isn’t like shooting ourselves in the foot; it is like shooting ourselves in the head. Why would we do this? We would have less domestic energy production. Obviously, taxing an activity more means we will get less of it.

How about jobs? The oil and gas industry supports more than 9 million American jobs. The American Petroleum Institute estimates that 1 million new jobs would be created in the next 7 years if punitive new tax increases and unnecessary new regulations are avoided. We desperately need to create jobs. These are good American jobs. Why would we want to destroy jobs by imposing an unfair tax on an industry which is producing something we desperately need?

Foreign oil companies, such as those based in Russia and China and Venezuela, would have an even greater competitive advantage over American companies in these overseas markets if we impose these taxes on American companies.

Finally, we would hurt tens of millions of Americans who invest in these companies through pension funds, retirement accounts, and mutual funds. In other words, this bill would eliminate tax provisions that are not give-aways or subsidies to producers in the United States in order to pay for tax subsidies that would be given to specific industries—so-called green industries. In the process, we would get higher fuel prices for consumers, less domestic oil and gas production, more dependence on foreign oil, fewer jobs, less American competitiveness, and less retirement saving. This does not sound like a deal worth making.

I yield the floor.

Mr. HELLER. Mr. President, here we go again. Once again, Washington is doing its old familiar song and dance: pushing another measure that is big on talking points but very light on solutions.

The truth is, the measure we are debating will not help anyone struggling with rising gas prices. It is past time for Congress to get to work on solving our Nation’s most pressing issues.

Nevadans have already been hit hard by this economic downturn. Gas prices are only making a tough situation worse. Congress should do everything within its power to provide relief to Nevadans who are already struggling to make ends meet.

In Las Vegas, the average price of gas is $3.93 a gallon. Up north in Reno, gas prices are already more than $4 a gallon. In the rural town of Elko, the local newspaper recently reported that gas prices have increased by 48 cents in the last month.

I received a text message recently from a prominent businessman in my State. He wrote:

Regular gas at $4.56 per gallon in southern California—beginning to really affect our businesses.

This is an issue Congress has ignored for far too long. Instead of addressing gas prices, my colleagues on the other side of the aisle are retreating to failed policy in hopes of distracting Americans from the dramatic price and rise of prices at the pump. They are merely following the lead of this administration, whose own Secretary of Energy statements before Congress indicated that their overall energy goal is not to lower gas prices.

Unfortunately, my colleagues fail to understand what the American people have understood all along; that is, to have a healthy economy, we need affordable energy. Developing domestic energy resources and building the infrastructure to get it to market will not only create jobs, but it will bring more energy resources to market.

Nevada still has the unfortunate distinction of leading the Nation in both unemployment and foreclosures. Whether you live in the vast expanse of rural Nevada or in urban Las Vegas, high gasoline prices disproportionately impact my home State.

The current state of our economy and the rising gas prices represent an extreme blow to many sectors of Nevada’s economy, tourism in particular. Tourism and the jobs dependent on that industry will be further devastated as gas prices increase at a time when Nevadans are hurting most.

Additionally, Nevada is roughly 110,000 square miles. High gas prices mean more vacant hotel rooms. It
means more empty restaurants. It means more closed small businesses. Many of my constituents must travel great distances to work or for basic goods and services. At a time when middle-class families across Nevada have already been forced to tighten their belts, the last thing they want to feel is the squeeze of higher gas prices.

In Nevada we need jobs, not policies that make job creation more difficult. I believe continuing to develop renewable and alternative sources is important to Nevada for the clean energy and job creation it brings. The development of renewable energy is something I have long advocated. However, our Nation must have a diverse energy strategy.

A truly comprehensive approach to our domestic energy security will create jobs and improve our economy. We must develop all of our resources, and I would argue that the positive impact increased domestic production would have on our economy in terms of jobs and revenue would actually facilitate the development of the technologies of the future.

There is no doubt alternative sources of energy are our future. While we work to perfect these technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem— that is, supply and demand.

What concerns me is we are not debating solutions. Today’s debate is about a bill that is merely two failed policies re-packaged as a political stunt. Congress should not double down on failed stimulus programs that have put Nevadans out of work and have done little to salvage our economy. Americans do not want more political gimmicks. They want solutions. What Congress needs to focus on are policies that will lower gas prices for Americans and fuel job creation.

For this reason, I have authored an amendment to this legislation that is truly a compromise containing solutions to the issues we are facing today. My amendment, the Gas Price Relief Act, would relieve gas prices at the pump, increase domestic energy production, and close tax loopholes.

Under the Gas Price Relief Act, every American who drives a car will reap the benefit of tax relief. My legislation closes tax loopholes for the major integrated oil companies and cuts the gas tax while ensuring revenue is still being delivered to the highway trust fund.

My amendment also provides for domestic energy production and infrastructure, which will create jobs and at the same time increase supply. It is truly a commonsense “all of the above” strategy to provide for the development of our domestic energy resources in order to meet our energy needs.

It is imperative Washington takes on our Nation’s most pressing issues, not simply instigate partisan fights. Washing-
said I would help. But the way to help build our bridges. He came to my half toward the debt and then put half of it against the debt, and put half of that to repairing or replacing our bridges. This is how government should work. We should pick priorities. There is not an unlimited amount of money. So let’s take it from an area where it is prone to corruption and where it is prone to a conflict of interest—these alternative energy loans that seem to be going mostly to the President’s friends and political campaign contributors, let’s take that money and use it to repair the bridges and to pay down the debt. This is what responsible government should do. But what we are doing in this body, what will happen in the next 24 hours as we discuss this bill is—and everybody in America needs to be very clear about this—whether they go to the gas pump and pay more every day for gasoline, they need to realize where the responsibility lies.

The responsibility lies with those who are running up the debt, and as we pay for the debt we print new money. So gas prices rising means the value of the dollar is shrinking. That is why prices are rising. We need to realize who is to blame for the gas prices. It is those who are running up the debt. But we also have to realize it is even worse than that. For running up of the debt, we have to realize these people today now want to add $25 billion to the gas prices. That is what happens.

When we raise the taxes on the oil companies we will add $25 billion in taxes, but we will increase their cost by $25 billion. Any business that sells products simply passes that on to the consumer.

So what we are here about—and they should retell their bill—since they are willing to, by this legislation, increase the tax rate, and allowing business to success in our country.

I have a second amendment to this bill that would take all of this money, all of these loans they are giving to their friends, Solyndra and Fisker Karma loans, the First Solar loan—all of this money that is being dispensed to people who are large contributors of the President, we would take that loan program and eliminate it. When we eliminate that loan program, it would save nearly $3 billion. The GAO has said as much as $6 billion is at risk for loss now. If we were to eliminate that money, we could put half toward the debt and then put half toward rebuilding our infrastructure.

The President says he wants to rebuild our bridges. He came to my State. I stood on a bridge with him and said I would help. But the way to help is by not passing out dollars to friends that are being lost by the billions of dollars. We cannot simply create the money; let’s find the money.

So I propose to end the Department of Energy loans and take that money, put half of it against the debt, and put half of that to repairing or replacing our bridges. This is how government should work. We should pick priorities. There is not an unlimited amount of money. So let’s take it from an area where it is prone to corruption and where it is prone to a conflict of interest—these alternative energy loans that seem to be going mostly to the President’s friends and political campaign contributors, let’s take that money and use it to repair the bridges and to pay down the debt. This is what responsible government should do. But what we are doing in this body, what will happen in the next 24 hours as we discuss this bill is—and everybody in America needs to be very clear about this—whether they go to the gas pump and pay more every day for gasoline, they need to realize where the responsibility lies.

The responsibility lies with those who are running up the debt, and as we pay for the debt we print new money. So gas prices rising means the value of the dollar is shrinking. That is why prices are rising. We need to realize who is to blame for the gas prices. It is those who are running up the debt. But we also have to realize it is even worse than that. For running up of the debt, we have to realize these people today now want to add $25 billion to the gas prices. That is what happens.

When we raise the taxes on the oil companies we will add $25 billion in taxes, but we will increase their cost by $25 billion. Any business that sells products simply passes that on to the consumer.

So what we are here about—and they should retell their bill—since they are willing to, by this legislation, increase the tax rate, and allowing business to succeed in our country.

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

The PRESIDING OFFICER. The Senator from Florida.

Mr. M. CONNELL. Mr. President, I ask unanimous consent that the order for unanimous consent be equally divided between the two leaders or their designees; that at 3:30 p.m. today the Senate adopt the motion to proceed to S. 2204, and then the Senate vote on the motion to invoke cloture on the motion to proceed to Calendar No. 296. S. 1959.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for unanimous consent be rescinded.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for unanimous consent be rescinded.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for unanimous consent be rescinded.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for unanimous consent be rescinded.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida.
March 27, 2012
CONGRESSIONAL RECORD — SENATE
S2049

We were sent here to solve problems, not avoid them, and the refusal to come together on commonsense solutions such as the ones we are proposing on gas prices is precisely the kind of thing people detest about Washington, and they are perfectly right to do so. So I would also advise our friends on the other side rethink this strategy of theirs and join us. Why don’t we just try doing the right thing.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Minnesota.

MS. KLOBUCHAR. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes, Senator BOXER for 8 minutes, and then Senator MUKROFF for 10 minutes.

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

SURFACE TRANSPORTATION ACT

MS. KLOBUCHAR. Mr. President, I rise today to stress the critical infra-structure needs of our Nation and urge the House of Representatives to act quickly and pass the surface trans- portation reauthorization bill that we passed in the Senate with an over-whelming bipartisan vote. The fact is that when it comes to the roads, bridges, and mass transit that millions of Americans rely on for far too long, I know that. A bridge collapsed just a few blocks from my house. It wasn’t just a bridge, it was an 8-lane highway, and 13 people died and dozens of cars were submerged in the river. A bridge just doesn’t fall down in America—well, it did that day—and I am com-mitted to passing this highway bill. This bill is important for jobs, and it is important for drivers who sit in con- gestion. Americans spend a collective 4.2 billion hours a year stuck in traffic at a cost to the economy of $78.2 billion.

So what is the solution? Pass this highway bill. It reduces the number of highway programs from over 100 down to around 30, defines clear national goals for our transportation policy, and it streamlines environmental permit- ting.

I spoke to 75 highway contractors today, and they are ready to go. They want this bill to pass. Companies such as Caterpillar, which employs 750 people at its road-paving equipment facility in Minnesota—I visited that com- pany in August. Caterpillars’ employ- ees and the kinds of people who are out there on the front lines of American in- dustry. They want to build these roads and are the ones who are building the products when we talk about “Made in America.”

With the short construction season for winter States such as Minnesotta- my friend from California may not quite have the same situation—we can- not delay, delay, delay on this highway bill. We cannot stop these construction projects and delay, delay, delay forever. It is time to pass the Senate highway bill. It has bipartisan support, with 74 out of 100 Senators voting for this bill. I ask that the House of Representatives quickly pass this bill and get this done without delay. It means jobs, it means safety, and it means a future for America.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

MRS. BOXER. Mr. President, I would like to thank my friend from Min- nesota. Her leadership when she was on the Environment and Public Works Commission was amazing. We miss her leadership there. She is working so hard on other committees, but she still carries in her heart the great under- standing that if anything is bipartisan around here, it is the highway bill and the transportation programs. We proved it here. So I thank the Senator. I wish to talk a little bit about Big Oil and this crying about Big Oil by my Republican friends here, and then I am going to segue to the battle to pass a transportation bill and the 3 million jobs that hang in the balance.

First, I have to say that I listened very hard to the Republican leader, Senator McCONNELL, talk about what a terrible thing it is to try to say to Big Oil, which has had these big subsidies for so long, decade after decade, start- ing when they were young companies—what a terrible thing it would be to take away those subsidies, billions of dollars when they are making multi- billions of dollars and they are pocketing us at the pump, pocketing the profit. We would like to see that money be used for alternative fuels, for energy-effi- cient cars so that we don’t have to worry so much if the price of gas goes up a penny. If we are getting 50 to 60 miles to a gallon—I drive a hybrid car, and I don’t visit the gas station that often because we get about 50 miles to the gallon, so the shocks that come with the increase in gas are a little bit milder.

But here is the story. Americans have made sacrifices. They are paying more at the pump. They are told by Big Oil: We are so sorry that Americans have to pay more at the pump because there is instability in the world. Amer- icans have to pay more at the pump be- cause our refineries are down, and we are really sorry.

What they don’t say is that they are exporting the oil they find in America to other countries. They won’t tell us is that they are pocketing the profits we are paying for. They are pocketing the profits. In 2010 the five biggest oil companies made $80 billion among them. In 2011 they made $140 billion among them. So no one can stand here—not even the esteemed Re- publican leader—and tell me that Big Oil is making sacrifices just like ordi- nary Americans. The people who are running away with our money that we are paying at the pump are Big Oil and the speculators down by the beach who are playing around with the instability in the Middle East on commodity futures trading.
So if you want to do something, let’s take away those subsidies from these big oil companies that are making life miserable for the American people. But, no, our friends on the other side put up a fight, and they cite a couple of folks on our side who agree with them because they are from big oil. And I understand that. Let’s stand up for the American people.

Another way we can stand up for the American people is to speak with one voice. Today I spoke to the House to take up the bipartisan Transportation bill that passed this Senate overwhelmingly. The clock is ticking toward a shutdown, and extensions are dangerous. So my story on the Transportation bill is a beautiful story of compromise, working together here in the Senate, and a very ugly story about what the House is doing, which is dithering around, playing with fire. And I am telling everyone that extensions are death by a thousand cuts. And I am telling everyone that extending this bill is a beautiful story of compromising.

The House is right down the hall. I wish to speak on the legislation that is before us. This is the Menendez bill. But that is not why I rise this afternoon.

I spoke with Scott Rawlins today, who is the deputy director and chief engineer of the Nevada Department of Transportation. He said he is holding up—advertised for Federally mandated projects until there is a reauthorization bill committing Federal funds. He is required to slow down the development of future projects. He will not execute consultant agreements without reauthorization. And right now, today, AASHTO, the Association of American State Highway and Transportation Officials, tells me that 4,000 jobs are at risk in Nevada.

What the Nevada people tell me is that in the good old days when they were in a boom, the State could come forward and take these extensions in stride. They had the funding to front-load their projects and not worry about the Federal reimbursement. They thought, A, they are very worried about reimbursement, and B, because of the recession that has hit some of our States very hard because of the construction slowdown in housing, they do not have the funds to fast-forward any of these projects.

So North Carolina has 41,000 jobs at risk, and Nevada has 4,000 jobs at risk. I spoke to Caitlin Rayman in Maryland. She talked about the uncertainty, and she went into four or five different things she is trying to do now that she cannot do. It is because the House is dithering and they won’t take up the bipartisan Senate bill and pass it. So 4,000 jobs are at risk in Maryland because they cannot do what they had to do.

I spoke to the director in Michigan, Kirk Steudle. He said several large construction projects have to be delayed.

The PRESIDING OFFICER. The Senator has consumed 8 minutes.

Mr. STEIN. Mr. President. This is a good discussion on the floor with stories about their States. Today I spoke to the department from California in urging that the House move to the Transportation bill. But that is not why I rise this afternoon.

I wish to speak on the legislation that is before us. This is the Menendez proposal to raise taxes—raise taxes on American companies, and I think inevitably prices to American consumers. It has been described as something else, but I suggest to my colleagues any effort to increase taxes on the energy companies that are providing a resource to us is nothing more than a tax on our energy companies. As we tax those energy companies, it is sure not going to make them produce things that are more affordable, more abundant. In fact, it will have the result—effect; it will have the result—effect; it will have the result—effect to impact prices to American consumers.

This legislation before us is not a new idea. This is something we have seen before. I think the numerous times we have rejected it leads me to the conclusion that it still remains a bad idea. It is a messaging bill that has failed over and over, and I think it deserves to see that same fate again.

This very Congress, just a little less than a year ago, rejected this same tax hike. Anybody who wants to see what it is we did back then just needs to look up vote No. 72, which was back in May of last year, just to see how all 100 Members of the Senate voted.

I get a weekly summary of what is happening with gas prices around my State. Right now the average price of a gallon of unleaded in the United States is just a little shy of $4. Well, in my State of Alaska, we are paying $4.14. In Juneau, which is our State capital, we are paying $4.24. In Barrow, the top of the world, they are at $5.75. In Bethel, which is paying $6.33. They long for the day they could be paying closer to $4. We are so far beyond the national average, they don’t view higher gasoline prices any kind of a political opportunity. What they are asking for is that they do more. In fact, there is an imperative that we in Congress do more to address prices.

I believe there is no question—that we can bring additional resources on line, that we can bring several million additional barrels of American resources to market. That is no question. If it would do. It is going to help to create jobs. We know that for a fact. It is going to help to create jobs. We know that for a fact. It will absolutely generate revenues. It will better insulate our Nation from the instability we have with the global price markets. We know that is what is happening right now. Every time Iran is mentioned, everything gets a little shaky out there.

We know so much of this is due, in effect, to the fact that there is little spare capacity in the global markets. So let’s look closer to home. What do we have closer to home?

The President has suggested time and time again we only have 2 percent of the world’s reserves. Well, in fact, this myth about the U.S. oil scarcity is just exactly that. We talk about proven reserves. In fact, it is a much smaller piece of the pie: 20.6 billion barrels of proved reserves. But what needs to be understood and, unfortunately, doesn’t make a good bumper sticker is that we have 20.6 billion barrels of technically recoverable resources. We don’t even count the 800-
plus billion barrels of oil shale that are out there.

So one asks the question: Why are we not going after the rest of the pyramid, the part in blue. So much of what we are facing is that so much of this is put off-limits. It is not accessible, and it is not a national security issue because of our government policies.

I recognize there is more to it when it comes to an energy policy than just drilling, just increased domestic production. But it must be part of the solution, and it must be a significant part. I think that we need to talk about true North American energy independence. We must do more when it comes to conservation and efficiency. We need to build out toward the renewable energy sources of the future. If we want to have a bumper sticker, it is, “Find More, Use Less.” It is pretty simple.

The chart lets us know truly we can find more here. But what we are facing with the Menendez bill that is in front of us today in a completely different direct approach. The President and the Democratic leadership are proposing to essentially remove so-called brown fields, which means tax breaks that encourage oil and gas production. What this does is it reduces the tax breaks that are in effect on production. In response to that, doesn’t work.

But how about a government offer? The government offer of the Menendez bill, not even half of these are revenue neutral. The prospects are that the Menendez bill, which was ordered to be printed in the Record, as follows:

[From Oilgram News, Mar. 22, 2012]

**UK OFFERS NEW TAX BREAKS FOR REMOTE FIELDS**

(By Robert Perkins, Jillian Ambrose, and Nathan Richardson)

**LONDON**—The UK government March 21 pledged new tax breaks to boost the development of some remote, deepwater fields and remove doubts over offshore decommissioning costs. The announcement follows a package of measures to support the country’s declining oil and gas industry.

Presenting his 2012 budget to Parliament, UK Finance Minister George Osborne said the government would create new tax breaks worth GBP3 billion (£4.75 billion) to cover large and deepwater fields off the west of the remote Shetland Islands in the Atlantic margin.

“We are introducing new allowances...for large and deep fields to open up West of Shetland, the last area of the basin left to be developed. A huge boost for investment in the North Sea,” Osborne told Parliament.

This area to the north of Shetland Islands is still largely underdeveloped and could contain up to 20% of the UK’s remaining gas reserves, according to the government.

The government said it also plans to increase existing tax breaks for developing small fields and promised support for investment in existing infrastructure.

As expected, Osborne also said the government plans to enter into contracts with oil companies to recover costs now available to them. As part of this proposal, the government would pay back the difference.

The new tax breaks could result in further investment of over GBP10 billion and the production of “hundreds of millions of barrels” of oil and gas, the announcement said.

The tax measures, which were widely anticipated, extend an olive branch to an industry that has placed some of the blame for last year’s drop in oil and gas output on a tax hike in the governments 2011 budget.

Last year, the UK government unveiled a surprise decision on offshore production tax cuts to tap the higher earnings of oil companies due to rising oil prices.

UK offshore operators welcomed the move, which took an extra £3.2 billion out of oil companies’ pockets last year, would damage confidence in the UK oil industry and hamper investment plans.

Under the decommissioning initiative, the government said it plans to introduce legislation in 2013 giving the authority to sign contracts for decommissioning in the UK to provide assurance on the relief they will receive when decommissioning assets.

The government said it would consult further on the details of the new contracts in the coming months.

“Confirmation that the government intends to enter into contractual agreements on tax relief for decommissioning costs improves the fiscal stability of the UK Continental Shelf, while the tax incentives for particular types of fields will go some way in increasing the attractiveness of areas currently starved of investment,” Derek Leckie, the head of oil and gas at Ernst & Young, said in a statement.

The UK oil industry has been lobbying the government over the need for greater certainty around future decommissioning costs for some years.

In 2010, UK industry body Decom North Sea estimated the total cost of decommissioning the UK’s oil and gas production assets had risen to around $46 billion.

Under the contractual arrangement, every North Sea participant would sign a contract with the government guaranteeing that, if decommissioning tax relief falls below 50% in the future, the government would pay back the difference.

Currently, new North Sea entrants might have to post security of as much as 150% of the more of the expected decommissioning costs.

If the industry were confident that the 50% tax relief on costs now available would continue into the future, it could post a lower security, effectively only 75% of the expected costs.

However, the industry has not yet been prepared to accept securities at the lower rate because there is uncertainty over whether tax relief would continue in future government plans.

In steps to mitigate the tax hike impact on North Sea operators last year, the UK government said it would consider introducing a new category of oil fields which would qualify for field tax allowances.

It said, however, the tax relief for decommissioning spending would be restricted to the existing 30% rate to avoid accelerated decommissioning.

In addition to decommissioning costs, UK oil and gas players also have been talking to the government on allowances to boost specific projects, or categories, where investment is marginal.

In 2009, the UK introduced a new field allowance for small fields and challenging HPHT—or high-pressure, high-temperature—and heavy oil fields, providing them an allowance set to offset the high costs now available to them.

In January 2010, the allowance was extended to remote, deepwater gas fields to the west of Shetland.

Osborne said the government also plans to increase the allowance for small fields to GBP150 million, introduce legislation this year to support investment in existing “brown fields” and continue to look at further allowances for HPHT fields.

In documents supporting its 2012 budget, the finance ministry said it expects the oil revenues from the oil and gas industry to slip by 14% in the 2012-13 tax year as declining production and North Sea offset higher expected oil prices.

Oil prices are expected to average $118/b in the coming tax year, up from $111/b in the 2011-12 period, the ministry said without saying if the estimate is based on Brent or WTI crude futures.

Including a record 20% slump in gas production in 2011 due to weak demand and a warmer than average winter, total oil and gas output slumped 18% on the year. Over the previous five years, UK gas output from North Sea fields had seen decline rates average 6%.

UK oil production peaked at about 2.6 million b/d in 1999 and gas output peaked in 2000. The UK became a net importer of both commodities in 2006 and 2004 respectively.
LONDON.—Oil and gas firms operating in the U.K. North Sea will be guaranteed tax relief for the costs of retiring old rigs and platforms, and fresh tax allowances totaling £3.5 billion ($5.55 billion) for harder-to-access deep water fields.

The move comes as the U.K. seeks to spur renewed investment in its energy sector. Chancellor of the Exchequer George Osborne said Wednesday in his annual budget speech to lawmakers.

The measure ends months of uncertainty among the region’s oil producers and comes after intense talks between government and industry over possible measures to aid investment in the North Sea.

The move extends an olive branch to the industry, which was incensed by a surprise hike in the windfall tax on oil and gas profits last year. A record 18% decline in oil and gas production in 2011 was blamed in part on the tax increase.

Mr. Osborne said Wednesday the government will sign contracts with companies such as Premier Oil and Apache Corp. guaranteeing tax relief for the lifetime of a project. A government assurance on decommissioning could pave the way for at least £17 billion of new investment over the life of the North Sea basin, said Mr. Osborne.

In addition, it will provide tax allowances for companies investing in fields located in the deeper waters west of the Shetland Islands, that are harder to reach and require greater amounts of capital investment.

Mr. Osborne said the fresh allowances for this harder-to-reach exploration and production would total some £3.5 billion.

Under current rules, the government covers between half and three-quarters of the costs of dismantling old fields by writing them tax deductible, but there are fears among many companies—and the banks that lend to them—that these rules could change.

An entire production facility needs to be removed once a reservoir has been exhausted, with its wells plugged and the site returned to as natural a state as possible. The process is expensive and complicated, and poses a number of environmental and safety challenges.

Decom North Sea, a nonprofit organization jointly funded by the industry and the government, expects the cost of decommissioning efforts to reach about £30 billion by 2030.

The issue is particularly acute for the smaller independent firms that are leading much of the next wave of investment in the North Sea, wresting out the last drops of oil from many of the older fields that were sold off by majors like Exxon Mobil Corp. and BP PLC.

These companies have been hamstrung by the legal requirement to provide security, usually letters of credit or large cash deposits, against future decommissioning costs. A tougher economic environment means these companies are finding their access to capital restricted and lenders less willing to issue letters of credit against a backdrop of fiscal uncertainty and declining North Sea production.

Ms. MURKOWSKI. Mr. President, these are news stories, not editorials. One is from Platts Energy; the other is from the Wall Street Journal. Both detail an announcement from the British Government to try to reverse its own taxes on the oil companies.

Last year, England decided to do essentially what is being proposed with the Menendez bill. They were responding to high oil prices, and so they moved to increase taxes on the industry. Well, the result is not going to come as a surprise. When the government made it less economical to produce oil by hiking their tax rates, companies stopped producing and they were making their investments elsewhere.

In the years since Great Britain imposed its tax hikes, its production decline has tripled from 6 percent to 18 percent. That is the rate that in the last year since Great Britain imposed tax increases on oil producers, production decline accelerated from 6 percent a year to 18 percent a year. Now Britain is in the process of doing an absolute about face. They are likely going to offer $5.5 billion in tax relief to the oil companies to try to bring the production back.

I am sure some here would refer to that tax cut as a subsidy and ignore the inconvenient fact that higher tax levels lead to lower production. They don’t lead to cheaper fuel; they lead to lower production. Yet even in the face of high fuel prices and compelling empirical evidence, the proposal in front of us is going to take us down the exact same path that Great Britain went down last year. It would make the clear mistake of driving production away when I think we need it most. The outcome in England just helps prove this is a seriously defective idea and a dangerous one that just need to look at what has happened across the pond.

If the Senate were really serious about addressing gasoline prices, we would be taking long-overdue steps.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Ms. MURKOWSKI. Mr. President, I don’t see anyone in the queue, if I may have another minute to wrap up.

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

Ms. MURKOWSKI. If we are really serious in the Senate about what we are doing in terms of increasing our long-overdue requirement to up our oil resources, our oil production and supply, we know how. We have opportunities from our neighbors to the north in Canada with the Keystone Pipeline. We clearly have opportunities in Alaska from the Outer Continental Shelf, from the Rocky Mountain West. We still import about half of our oil supply and about half of that is from OPEC.

One last chart, if I may. Right now, about 47 percent is OPEC; non-OPEC is 53 percent. If we were to add to our mix in this country what we could get from Keystone, which is the middle pie, but look where we would be as a nation. If we were to plus up our activity with domestic production, bring on Keystone, and with our existing resources, our imports from OPEC are reduced to a minimal amount. We talk about North American energy independence, and we truly could be in that position where we are not vulnerable—not vulnerable to the volatility of the markets, not vulnerable to the volatility that comes from OPEC setting the prices, as they do, not in a situation where we are spending millions and billions of dollars to import a resource we need but that we have as a nation.

If Congress was willing and we would want to drain our economy by raising taxes on the very businesses that help minimize our foreign dependence, help create good-paying jobs for our families, and truly help to make a difference for Americans around the country in the long run.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield in just 2 minutes because I know Senator SANDERS is here. I really feel I need to respond because it is very important to note that under the leadership of President Obama—for decades we did not drill as much as we have drilled now. We have more wells pumping than at any time in recent memory. I think it is an important point.

Of course, we are not going to drill off the coast of some of our precious areas because we have to support the fishing industry, we have to support the recreation industry, the tourism industry. But all this argument about drill, baby, drill and we will solve everything does not work because we threaten jobs when we go to certain areas that are pristine and very important sources of economic income for our States. Plus, if you ask my colleagues on the other side, they will not support keeping the oil in America—they will not—and we are exporting more oil than we ever have before.

So this thing gets very interesting when you look at it. We have the big oil companies—as we all make our sacrifices at the pump—are bringing in record, record, record profits. They ask us to make sacrifices because there is instability in the world, but they are pocketing those increases. Yet our Represents—friends, very bitter tears because we want to suggest that subsidies they got decades ago—kept on undisturbed billions of dollars—we would like to see those funds go into making it easier for America’s families to be able to buy more fuel-efficient cars, to be able to find alternative fuels, etcetera, etcetera.

When I come back to the floor after this discussion on the postal reform, I am going to talk more about the highway bill. The House is about to vote on an extension to the bill. That is dangerous. I hope colleagues over there will not do that because, I have to tell you, every day we extend the highway trust fund for a short period of time, we lose jobs, and we need consistent funding.

I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Vermont.
POSTAL SERVICE REFORM

Mr. SANDERS. Mr. President, later this afternoon—actually, in a fairly short while—we are going to be voting on whether to proceed with the Postal Service reform bill, and I hope we vote yes. I hope we have in some bipartisan vote to go forward. I will tell you why.

About 9 or 10 months ago, the Postmaster General came up with a proposal for the Postal Service. In my view, a proposal from the Postmaster General is an unmitigated disaster for our country and especially for rural America.

This is what his original proposal outlined: What he proposed was the shutting down of more than 3,600 postally rural post offices. If one lives in a rural State such as mine, one knows how important rural post offices are, and their function is beyond being just a post office. In many small communities, some 220 mail processing facilities are the center of the town. It is where people come together. It is what develops a sense of community. In some cases, it is what that small rural town is all about. If we shut down that rural post office, in some instances we are literally shutting down that town.

We should also understand, in the midst of the serious financial problems facing the Postal Service, shutting down 3,600 mostly rural post offices would save the Postal Service one-quarter of 1 percent of their budget. So the original plan—which has since been modified—was to shut down 3,600 rural post offices, and I would suggest whether one is a conservative Republican or a progressive Independent, that is not good for their State, not good for America.

In addition, the Postmaster General’s original proposal talked about shutting down 3,600 mostly rural postal processing facilities all over this country. That is approximately one-half of the mail processing plants. If he did that, that would end overnight delivery standards for first-class mail.

At a time when the Postal Service is facing extreme competition from e-mail and the Internet, in my view, the last thing we want to do is to slow down mail service. I think I speak for many Members of the Senate who say, if we move in that direction, making mail delivery slower, we are beginning the death spiral for the Postal Service. Many businesses, many consumers will be saying: Sorry, I am going elsewhere to get my packages, get my mail delivered.

Furthermore, the original proposal from the Postmaster General was to shut down Saturday mail delivery and, in the process, reduce the workforce of the Postal Service in the midst of the worst recession since the Great Depression—by over 200,000 jobs.

Senators LIEBERMAN and CARPER, Senators COLLINS and SCOTT BROWN, the ranking members of the committees, came together and put together a bill which was significantly better than what the Postmaster General had proposed, no question about it.

Some of us felt the Lieberman-Carper-Collins-Brown bill did not go far enough, and we have been working with the chairman of the committees to try to improve that bill, and I think we have made some success. I think if we look at the managers’ amendment, we will see guarantees to make sure we are not shutting down rural post offices all over America; that if we shut down processing plants, it will be a significantly smaller number than was originally proposed, and that in fact we would have strong mail delivery standards—if not as strong as I would like, at least stronger than what the Postmaster General originally proposed.

Here is my fear: The Postmaster General is racing to go. If he perceives and the board of postal commissioners perceive the Congress cannot act, they are going to go forward and bring forth a proposal which will not be as strong in protecting post offices and workers and America’s small towns as the American people can do. So what we managed to do back in December was get a 5-month moratorium to prevent the shutting down of rural post offices and processing plants. That expires on May 15.

I think it is terribly important we begin the process, we vote to proceed within the next hour, we bring that bill to the floor, there is an open process by which people, including myself, will bring forth amendments to make the bill even stronger than it is right now. I would point out to my colleagues, in terms of the financial problems facing the Postal Service, clearly, they have to deal with the serious problem, the very real problem that first-class mail has gone down very significantly, being replaced by e-mail. There is no question that is a real, legitimate problem.

But what is not a legitimate problem is that the Postal Service uniquely in the United States, State governments, Federal agencies or the private sector—the Postal Service alone is being asked to put $5.5 billion every single year into their future retiree health benefits program. According to the inspector general of the U.S. Postal Service, given the fact there is some $44 billion in that fund already, with interest rates accruing, we do not need to put more money into that fund. There is widespread agreement the Postal Service could use that money.

What is being sent to the Postal Service is that it is the only Federal employee retirement system—one billion dollars or $11 billion into the Federal Employees Retirement System into the Civil Service Retirement System, at least a couple billion dollars and perhaps a lot more.

The bottom line is: If we are serious about protecting rural America, if we are serious about protecting 3,600 rural post offices, if we believe the post office must continue being an important part of what America is about—so important to our economy and to small businesses, if we do not want to delay mail service, slow down mail service, we do not want to shut down half of the mail processing plants in this country, I think it is important we begin that debate and vote for clout.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge our colleagues to vote for clout to proceed to the Postal Service bill. I will speak very briefly.

This a great American institution, right there from the founding of our country. In fact, it is in the Constitution to provide post offices. It is an institution that is today in trouble. Last year, it lost almost $10 billion. Why? Part of it is the economic recession, but the real explanation is that mail volume has dropped 21 percent in the last 5 years, and mostly that is because people are using the Internet and e-mail instead of traditional mail. Yet the Postal Service not only itself provides a great service, but it facilitates various sectors of our economy that employ 7 million mail carriers, mail order catalogs, and the like.

Our committee, when confronted with this crisis—and the statement from Postmaster General Donahoe that if nothing was done, he would have to begin curtailing operations sometime this year because essentially run out of enough money to operate the Postal Service as it is—tried to get together and work on a balanced program. We reported out a bipartisan bill. Some people said it was too much; some people said it was too little. We think it was just about right.

There has been a lot of dialog with Senator SANDERS and others, people on both sides of the aisle. When we take this up—and I sure hope it is "when" and not "if" because I do not know how we could just turn away from this problem and essentially say to the Postmaster: We are not going to provide you any help; you are going to have to handle this. What he is going to do is close a lot of post offices, in my opinion, close a lot of mail processing facilities, raise prices to the extent he can under existing law.

This is a balanced program. It creates some protections for small and rural post offices before they can be closed. It creates new standards in the delivery of mail so the Postmaster will, in his wisdom, be able to thin out employment at some of the mail processing facilities, perhaps close some of those people nowhere near what he wanted to do earlier.

The Postmaster asked us for authority to go from 6 days of delivery of mail to 5 days of delivery of most mail, and we essentially said: You may have to do that. Mr. Postmaster, but do not do it for 2 years. See if the other things we are authorizing you to do enable you to get the Postal Service back in fiscal balance. But if not, after the 2 years, with the process we ordained, they will have to go to 5 days of delivery.

Here is the bottom line: We are trying everything we can to save this great institution. It is not a relic. It is
a fundamental part of the modern economy, and it has some great resources. First is its presence all over the country. One of the things we are doing—we worked on this with Senator Sanders and others—in the substitute, we will create an advisory commission, a new body which will be charged with the responsibility of not only reviewing the operations of the Postal Service to make sure it is being managed and run most efficiently but for looking for a new business model, for new ways to use the great assets of the Postal Service—one, that it is all over the country in the post offices; and, two, that no one else can cover the last mile of delivery to everybody’s house or business in the country regardless of where you live, including the iconic snowshoes that help deliver the mail in the Grand Canyon and the mailmen on snowshoes who deliver it in rural parts of Alaska. Right now, FedEx, UPS, and others use that service of the last mile to complete their delivery to their customers.

We want to see if we can figure out how the Postal Service can make more money so it can stay alive. This is a great American institution which I believe has a great future, but it is not going to happen if we do not help.

So here we are challenged again. Are we going to fall into ideological rigidity or partisan conflict and let this great institution slide and fall into a deep crisis or are we going to work to keep this great American institution which I believe has a vital role as it has throughout all of our history. There will be distribution centers that may not exist after a few months. So I wish to move to the postal bill as much as anyone in this Chamber, having worked for the Postal Service, through the House Post Office.

I wish to move to the postal bill. But I am not going to be forced into doing it at a time that may not work out just right for our schedule; that is, the Senate. So I will move to that shortly after the recess as quickly as I can, but I am not going to agree to a specific time.

I object to the modification. The PRESIDING OFFICER. The request of the initial modification is objected to.

Mr. MCCONNELL. Mr. President, I object to the initial request. The PRESIDING OFFICER. Objection is heard to the initial request.

21ST CENTURY POSTAL SERVICE ACT OF 2011

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.


POSTAL REFORM

Mr. DURBIN. Mr. President, there is no question the Postal Service faces serious challenges, and it needs to work with Congress and the American people to address them.

There are some who say that the Postal Service can cut its way out of its financial hole.

The plan put forth by the Postmaster General would do just that. It would have a heavy impact on my State, with at least 8 processing facility closures and perhaps more than 250 post office closures. Under that plan, mail from Springfield—the State capital—would be shipped all the way to St. Louis, just to come back to Springfield once again.

And these facilities are key hubs of commerce throughout the State.

Take Quincy, IL, for example. The Postal Service had already studied Quincy for consolidation in 2009. At that time, the Postal Service found that the facility in Quincy was efficient and closing it would not create new efficiencies. Despite that finding, the Postmaster General decided to press ahead with the closure of the Quincy facility this year. The facts are in Quincy’s favor, but it seems that the Postal Service only wants to cut its way to death.

This bill is about jobs too. The Postal Service employs more than 30,000 people in my State, from clerks, to drivers, to postmasters, to letter carriers, and so many more. These are not high-paying jobs, they are not glamorous. These are middle-class jobs that support the world’s best postal delivery network. Nationwide, the Postal Service employs more than half a million people. Millions more in this country are employed in businesses that depend on the Postal Service.

Given the wide-reaching impact of the Postal Service, it is clear to me that cutting to the bone is the wrong approach. It will lead to a death spiral and the eventual end of the Postal Service as we know it.

The Postal Service must grow and reform its way into 21st century competitiveness. This bill is a first step toward achieving that goal. As the floor under the leadership of Senators LIEBERMAN and COLLINS, this bill begins the process of addressing some of the serious challenges facing the Postal Service. This will help USPS reduce long-term costs, increase efficiency, and grow into a 21st century service provider. I think these steps can be taken while maintaining a world-class level of service.

There is no question there will be some short-term and long-term pain associated with reforming the Postal Service. Without tough choices, I can assure you there will be bankruptcy and the demise of the Postal Service.

I believe that measured steps now, though painful, are worthwhile to preserve and improve the Postal Service for generations to come.

I urge my colleagues to join me in voting for cloture on the motion to proceed to this important legislation.
And I look forward to an open and honest debate and to working with my colleagues to strengthen the bill.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

Akaka
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (MA)
Brown (RI)
Cantwell
Casper
Casey
Collins
Conrad
Coons
Durbin
Feinstein
Franken
Franken (WI)
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Gillibrand
Murray
Murphy
Nelson (NE)
Nelson (FL)
Pryor
Reed
Schumer
Shaheen
Snowe
Stabenow
Tester
Whitehouse
Wyden

NAYS—46

Alexander
Ayotte
Barrasso
Baucus
B Dante
Biun
Boozman
Burk
Cardin
Chambliss
Coats
Colburn
Cooper
Cooper
Corker
Corning
Crafo
DeMint

Mikulski
Murkowski
Grassley
Paul
Johnson
Hatchinson
Boozman
Logan
Lee
Lee
Lee
Lee
Lee
Reid
Reid
Risch
Risch
Johannes
Johnson (WI)
Kyl
Lee
Logan
Manchin
McCain
McConnell
Merkley

NOT VOTING—3

Hatch
Kirk
Sensenig

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I enter a motion to reconsider the vote on which cloture was not invoked on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. The motion is entered.
Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SURFACE TRANSPORTATION ACT

Mr. COONS. Madam President, I rise today to address a simple but important issue about what our path forward is to building a stronger and safer America. I was deeply frustrated to hear earlier today that the Transportation bill, which was passed by an overwhelming bipartisan consensus in this Chamber, has gone over to the House and they cannot find a way forward to respond to this bill from us or find any clarity or certainty about whether to simply take up, debate, amend, or consider and enact, hopefully, our bill from the Senate or ask for short-term extensions of 30, 60, or 90 days.

Madam President, as you know as a former Governor and as I know as a former municipal finance officer, when you are working in work as important as bridges and highways and roads that make infrastructure, transportation, and a reliable and predictable future for our economy possible, nothing is more important than certainty. Financing major highway projects, buying major pieces of equipment, and hiring the crews to do the work are exactly the sorts of things where certainty is critical.

I have a simple question to our friends in the other Chamber, which is when will they take up this bill that passed this Chamber by such an overwhelming margin and when will they take seriously the broad bipartisan input from every imaginable group in support of this?

I was active in my previous elected role as county executive with the National Association of Counties, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, the National Association of Counties, the U.S. Chamber of Commerce wrote every single office at the Senate in support of this legislation, calling for specific action that both the Congress and administration could take right now to support job growth and economic productivity without adding to the deficit.

This bill came out of the committee after remarkable work by Senator Boxer of California, Senator Inouye of Oklahoma, two Senators who are widely viewed as being at the opposite ends of our political spectrum here in this Chamber.

When I go home to Delaware, I hear folks say over and over again: Why can't you work together? Why can't you iron out your differences and put America on a clearer, straighter track toward a stronger recovery?

Well, this is exactly the sort of bill that will accomplish that end. A 2-year real extension of a good bill that in my small State of Delaware would create 6,700 jobs now hangs in the balance. It will expire at the end of this month. Rather than take up and consider and hopefully pass this bill, folks in the other Chamber—and frankly, sadly, largely folks on the other side of the partisan aisle here—are refusing to do so and will instead take a short-term chip shot of an extension. I simply might that certainty is something I respect from my years in the private sector. Certainty is something I hear from the other side of the aisle in the other Chamber all the time. And this is a moment when the economy is slowed by the delay in the House taking up and passing the Senate-passed bill.

Mr. BEGICH. Will my friend from Delaware yield for a question?

Mr. COONS. Absolutely. I yield to the Senator from Alaska.

Mr. BEGICH. The Senator was a county executive; I was a mayor of a community. We had to deal with the real-life aftermath of what happens around here, especially when it comes to these extensions. I know in my city, when I saw these extensions from that end of the table, we always had to stop projects, slow them down, didn't have the money to finish them, winter shutdown. All it did was add costs, decrease the capacity of roads, and literally take projects off the list.

In his community, the Senator had to deal with this probably like I had to. Did the Senator have the same kind of impact when you told to contractors: I am sorry, we don't have the money because the Federal Government has not done their job that they said they would do 20-some times before and never completed it? Is that a similar situation?

Mr. COONS. Madam President, the Senator from Alaska is absolutely right. In my county, we didn't do roads, our State does the roads, but we did sewers, and heavy capital investments in infrastructure would cost our county tens of millions of dollars. We would be on a project, off a project, on a project, off a project. We were fortunate that our county in good times had enough money in reserve that we could go ahead and authorize the bond issue and authorize the project. But as the economy turned and as our balance sheet got tougher, we had to wait, we had to put things on hold, and we had to put off key projects.

I know the good Senator from Alaska, as a former mayor of Anchorage, also saw that happen in transportation. Is that not the case, that certainty was an enormous challenge when the Senator was relying on a Federal partner who was unreliable?

Mr. BEGICH. Absolutely, I say to the Senator from Delaware. In Alaska, I chaired the Metropolitan Planning Organization, the MPO, which had this money that would come from this legislation. It was delayed by the Senate, and if we had not had it here or they had had these crazy continuations because for some reason they could not get their work done—and now we are seeing that on the House side. They have had months to work on this. I think that is actually banked that we would not work together here, Democrats and Republicans, and get something done. We actually did and, a pretty significant piece of legislation about transportation, infrastructure. This bill in this country got 74 votes, bipartisan, from all spectra of political persuasions. I think they banked that we would fail, but we didn't. There were five weeks of work and a lot of compromise, and if we all kept our eye on the impacts are on the street if we don't do this.

Back home, if the House doesn't take action on a very reasonable bill, a bipartisan bill, what will happen in Alaska is that some of these projects will de-obligate, or not obligate the funds, which means they will delay them. That means the contractors who expected to do work this summer will not. And in Alaska, because we are a Northern State, we have a similar situation—the plant that provides the asphalt closes usually the first part of October. So you have a window that shrinks very rapidly. If you are not careful, thenext year, you are not good to go. If you pay more, which means that the delay the House side is doing is going to cost taxpayers more money and there will be less jobs. In Alaska we have 18,000 jobs at risk. And at the end of the day, again, you get less product, fewer roads.

I can only assume the experience I have here matches the Senator's State government that worked with the county when he was county executive; it is the same thing they had to go through, as the Senator explained on his water and sewer projects. But, as he said, times are different. You can't supplement it with local money, the way it used to be, because we don't have it. And the economy is just starting to come back. But here we are at a moment when the economy is moving in the right direction, and what are we doing? The House over there is just waiting. I think that is not the example we are looking for but what we are doing and what we are suffering through.

Mr. COONS. What strikes me most about this, Madam President, and to the good Senator from Alaska, is that out all the sectors in the entire American economy—at least in my home State—that have suffered since the financial collapse of 2008, construction was hit the hardest. We already knew that we were far behind in investment. We have tens of thousands of bridges that are out of compliance with basic engineering standards. Half of our roads are below the standards we would expect from a modern economy. This is money that can and should be invested in putting people to work in construction, which has suffered from the highest unemployment. It has the support from the Chamber of Commerce to the AFL-CIO, where we worked through
the tough processes here over several weeks, and we have a strongly bipartisan bill sitting and ready to go.

There are other things we debate in this Chamber that will maybe create jobs, maybe won’t. There is no question—no, I do have the strongest concerns about the Federal role in our economy cannot disagree that Federal highway projects put people to work, strengthen our economy, and make us more competitive. This bill is ready to go. Why you would not take it up and enact it today, I cannot imagine.

To the good Senator from Alaska, I might say Alaska may have a shorter summer season than we do, but if you have 18,000 jobs at risk, I can only imagine the kinds of calls the Senator is getting from his home State, as I am getting from my State, urging that the House of Representatives take up this strong and bipartisan bill and pass it so we can all move forward and create some real jobs.

Mr. BEGICH. The Senator and I have the same situation he has described: Yes, we are getting those calls and they are not just—people say this is a union thing. No, it is union, nonunion, chambers of chamber, neighborhood, community councils. It is everybody you can imagine because these are real jobs, about real people, about real communities.

Over the time I think they think it is some theory that if they delay it, nothing will happen. They are wrong because the Senator and I have lived on that other side and had to live with the consequences of inaction. This is one of those bills where there is bipartisan support, all the groups out there from all walks of life support it, and everyday people understand it.

When I was back in Anchorage getting some gas at the gas station, someone came up and they asked me, because why? We are about to start our season in the bidding process because you have to take 30, 60, 90 days to get the bids out and then you actually have to construct. I think sometimes in the House they think it is some fantasy land that whatever they do has no effect. This does. I think the Senator said it very clearly, and I appreciate being allowed to ask a few questions and comment here. But it seems the most ridiculous thing to have Alaskans telling every day to work together, create bipartisan legislation, whatever it might be. Here is one we have done successfully and now we are ready. But over there they are playing politics. They have now tried twice to do something this week and they still cannot get it moving.

I would encourage those on the other side to move forward on the bipartisan bill that the Senate has passed when I know they were banking we would not pass it. We did it; we did our work. The American people are waiting for these jobs, the contractor community is ready, and the communities are ready. It is time to move forward.

I thank the Senator and the Presiding Officer for allowing me to ask a few questions and give a little commentary.

Mr. COONS. I thank the Senator from Alaska. As we both know from our former roles, when you have a short-term extension, there are costs. It means that folks getting mobilized, getting organized, getting ready—you have to pull them back. When the State coffers, the county coffers, the municipal coffers don’t have the ability to wait since the Federal funds they are waiting for, it means projects get canceled, people lose their jobs, opportunity and optimism that were moving forward get pulled back.

We have folks in this Chamber and the other, former Governors, former mayors, former county executives, former business leaders, who know the importance of a strong and reliable Federal partnership in strengthening infrastructure in this country. I congratulate Senator BOXER and Senator INHOFFE for working together so well to craft a tough, strong, capable bipartisan bill, and it is my plea that the Members of the other Chamber will acknowledge this because the Members of the other Chamber will have to pull them back; it is a reality. It, and doing nothing, costs. When the Senate takes up and passes the bipartisan Senate transportation bill. It is interesting to know we also have the senior Senator from Alaska, Senator MUKOWSKI, speaking out in favor of the House picking up and passing the bipartisan bill. I also served as a county supervisor a long time ago, but I think we all understand that what we do here makes a difference.

This is one Nation under God, indivisible. There cannot be a circumstance where one State puts their own funding from their State into highways but the State next door does nothing. They cannot have commerce. That is why I thought Dwight Eisenhower, when he was a Republican President, said it well. He was a logistics expert. He is the one who started the National Highway System.

He knew from his experience in war that you have to move goods and people. He also knew, in his role as President, that in order to have a strong economy, we have to do the same thing here at home.

For me to see this House dither as they are doing—they are dithering on a bill. All they have to do is take up the bipartisan bill. For goodness sake, they have three-quarters of the Senate to support it, and all we need is 218 votes. When I served in the House for 10 years, what did I learn? You needed 218 votes. Tip O’Neill never cared where he got his votes; he just got the votes for the American people. So I have written letters to Speaker BOEHNER and Leader CANTOR, and I have begged them to please work with us on this bill, and all we would hear were statements from their staff, saying: We want to do it our way. As Congresswoman PELOSI, the Democratic leader, said today: When you say my way or the highway about the highway bill, you don’t get much done.

I wanted to thank Senator KLOBUCHAR. She also held office at the State level. She was a district attorney, and she understands what happens when the Federal Government, State government, local government, all work together for jobs, and that is what this bill is about.

So I am going to call today on the House to immediately take up and pass the bipartisan Boxer-Inhofe bill. I am going to ask them to abandon their gridlock and pass a series of extension.

When someone goes to buy a house, they need a mortgage. Maybe it will be a 10-year mortgage, 15-, 20-, or a 30-year mortgage. If the banker looked at them and said, We can only give you a mortgage for 15, 20, or 30 days, they would be difficult, to put it mildly. It is disruptive. You don’t know how to plan, you don’t know what it is going to cost, you don’t know if you are ever going to get the money for the house. So the House, by taking its extensions, has to understand the impact.

Today I called a press conference to let the press know what the impact is of these extensions. The extension means job losses. We started to put together a list that is coming to us from the States of job losses already happening in the field because of the lack of action by the House. I spoke to the Secretary of Transportation in North Carolina today. He has delayed the renewal of the 2012 programs totaling $1.2 billion that would employ 41,000 people. So 41,000 people do not have work, as we speak today, because the House is dithering and not passing the bipartisan Senate Transportation bill.

I spoke to the officials in Nevada. As we speak, thousands of jobs have been lost there because the House is considering an extension instead of passing a bill such as our bill.

I spoke to the officials in Maryland. Same thing, thousands of jobs. I spoke to the officials in Michigan. Same thing. Right now we are putting together a list from all across the country of job losses in all of our States as a result of the House failing to take up and pass the bipartisan Senate bill.

What more bipartisan do they need than to have 75 Senators support the bill? One of them was absent due to a funeral. So we have 74 votes for it and 22 against it. What more do they want? Anyone watching the Senate today sees how paralyzed we are. We have not been able to do a thing. There are filibusters on fixing the post offices. There are filibusters on making sure that Big
Oil doesn’t keep ripping off consumers at the pump. Filibuster, filibuster, filibuster, filibuster. But we were able to get over all of that and pass a transportation bill. Why wouldn’t the House be thrilled about that? Why wouldn’t the House embrace what we did? Why wouldn’t the House instead stand up again today and say, We are going to have a 60-day extension. Guess what. They pulled it. They are not having a vote on that today because of the uproar it is creating in the States and on the House floor. The House has not delivered on its promise for a bill. All the leadership does is complain about our bill.

Today—I couldn’t believe it—Chairman Boxer said this bill is not paid for. Senator Baucus, Senator Thune, and others worked across party lines to pay for our bill. It is 100 percent paid for. And guess what it does. It protects 1.9 million jobs and creates another million. That is what our bill does. So they are pulling this vote today. Good. I am glad they are pulling this vote because they ought to instead pass the bipartisan Senate Transportation bill.

I want to tell you a story about what is aching and happening out there in the economy. If we do nothing, 1.9 million jobs are gone on March 31. If we do an extension, then you have death by a thousand cuts, a proportion of these jobs is lost, and it keeps getting worse with every extension. So it is the end of these jobs, a slow torturous end of these jobs. I want to show how many unemployed construction workers there are—1.4 million. Why is that? When the unemployment rate is 8.3 percent, the unemployment rate among construction workers is 17.1 percent. Why is that? Because we were having a very tough housing crisis, and we are not out of it yet. So all of these workers who are building bridges and roads are hoping to be able to build highways, build freeways, and fix bridges. And our bill does that. Our bill will take these people and put them to work. We could get this unemployment rate down to 400,000 because we will take a million off this with the expansion of the TIFIA Program, which stands for Transportation Infrastructure Finance and Innovation Act, which gives the money upfront for cities and States and gets projects built faster.

I want to show you what it would look like if you put every unemployed construction worker into a football stadium. This is a Super Bowl stadium, and it is filled. Imagine each and every one of these seats is filled by an unemployed construction worker, and then close your eyes and imagine 13 more stadiums for a total of 14 stadiums. Fourteen stadiums full of unemployed construction workers, that is what we are facing. Yet, the House will not take up a bipartisan Transportation bill. They are flitting with extensions, which is the end of these jobs, but slower and more excruciating.

We talked about jobs, but we have to talk about businesses. These jobs are private sector jobs, and these businesses—over 11,000 of them—are construction companies that would be adversely impacted. I met with business owners. One man was teary-eyed. He said, Senator, I have had to lay off 1,000 people because of the indecision here, because of the constant extensions we have had on the highway bill. We need your bill now. I said I understood. He said, I cannot do this. He said, Senator, look and understand. Extensions are like living hand to mouth. It doesn’t work.

If you know, again, that all you are going to get is 90 days’ worth of Federal funding; how can you let a contract for a year? No one is going to go out and let a contract for 90 days for a big program that lasts for a year or a year-and-a-half of construction. So we just have to remember we are not just talking about workers; we are talking about all the businesses that support those workers.

I am going to show my colleagues a series of editorials. They have run in red States. They have run in blue States. They have run in purple States.

I am going to make a statement, and I am going to stand by it; Everyone in America gets this except the House of Representatives. Everyone in America gets this except the Republicans in the House of Representatives, save a few of them who are courageous. Four of them have taken the brave stand of voting against the Firehouse from the Presiding Officer’s home State, two of them from Illinois, and one of them from North Carolina. They said: We stand with those who say take up and pass the Senate bipartisan bill. Good for them for showing that kind of courage.

I say to my colleagues now, it is a quarter to 5 in the evening. If any of them are tuning in to this discussion, listen to what these newspapers are saying: House should pass transportation bill.

The No. 1 priority for the House of Representatives should be passing a bipartisan transportation bill—as the Senate already has done on a 74–22 vote. . . . The Senate has done its job. . . . House Speaker Boehner should drop the notion of passing an extreme Republican-only House bill and do as the Senate did—craft a bipartisan bill that can pass both Houses.

This is in the Fresno Bee. It is in the reddest part of California. Trust me when I say that. I know. It is the reddest part of California, and they are asking the House to pass the Senate bill.

Then we have, in Michigan, the Detroit News: “Congressional Waffling Hurts State Roads.”

The U.S. Senate . . . has approved a bipartisan plan. While imperfect, it’s better than nothing. It is a part of an outmoded transportation act that already has been extended eight times. . . . The disarray hardly gives States the kind of revenue certainty they need to invest in infrastructure, but if Boehner and House Members can’t agree on their own plan, they would probably be wise to take what is politically possible and pass it. Pass the Senate bill.

Newspapers all over the country—look at this one: “Road to Compromise.” One would think the House would embrace this. What are the American people telling us? We are voting—in the Congress—as fighting constantly. Our approval rating is 10 percent. I don’t know who represents that 10 percent, but it is probably the Presiding Officer’s family, my family, and the family of my colleague from Missouri.

Why is that? We can’t work together. We proved today on two bills that we can’t get together. But we proved a couple of weeks ago, after 5 weeks of debate, we could do it on the Transportation bill.

When Senator Inhofe and I agree, my goodness, that is a day. We don’t agree on so many things, believe me. We are struggling over anything that has the word “environment” in it. He is fighting to overturn the EPA clean air rules, and I am fighting to keep them. He doesn’t want that much oversight on nuclear accidents; I want more oversight. He says I don’t do enough oversight on things he wants oversight on. Listen, we argue. We respect each other. We like each other. We disagree with each other. But on this we came together. What more does Boehner want? What more does Darius want?

Speaker Boehner is putting at risk 55,000 jobs in Ohio, and Leader Cantor is putting at risk 40,000 jobs in Virginia. Don’t they care about the businesses and the workers there?

This headline says the “Road to Compromise.” This is the Ohio Akron Beacon, from the heartland:

On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year bill. . . . The timing couldn’t be better. . . . What will the House do? It should take the compromise the Senate and quickly approve the legislation that won bipartisan support.

It couldn’t be more clear. That is Ohio.

I will tell my colleagues I have never seen such an array of newspapers from all over the country.

This one is the Chicago Sun-Times: “For a Better Commute, Pass Transportation Bill.”

The Senate just delivered a gift to the House: A bipartisan transportation bill at a time when America really could use a lift. Here’s hoping the House Republicans don’t mess it up . . .

Well, hope against hope. So far, I feel very worried—very, very worried. The whole program expires on Friday and all they can come up with is extensions, and then they don’t even have the votes for that. How bad would it be for them to give me a call, give Senator Inhofe a call, and say: We are going to come over and sit down and bring the bipartisan leadership of the Senate—there are four of them—bring the bipartisan leadership of the Senate, and let’s hammer out something.
What is happening over there? Speaker BOEHNER is the Speaker of the House not Speaker of the Republicans. He needs to work with the Democrats. I don’t expect they will love each other, my goodness. We don’t expect miracles, but we should expect them to work together.

I remember fondly my days in the House with Tip O’Neill and Bob Michel. Couldn’t have better friends. Did they agree on everything? No. Did they work on everything? Yes. I remember those days. I was a whip at a certain point in the House, and they used to call us together and we would come back and say: There are 25 Democrats who can’t vote for this Democratic bill. You know what Tip O’Neill would do? He would say: Fine, I will call Bob Michel back and say: There are 25 Democrats agree on everything? No. Did they have better friends. Did they move quickly to approve the Senate bill?

I see the Senator from Louisiana on the Senate floor. He and I go at it on a number of issues. We work together. We even put on this bill the Restore Act—a bipartisan piece of legislation that is going to make sure the gulf can rebuild and get paid back for the suffering that went on there. Did California get a lot out of that? No. But the country will get a lot out of that because the gulf is a region we care about. It is where we get a lot of our energy. It is where we get a lot of our seafood. We need to work together.

So Senator VITTER and I don’t agree on a lot of subjects, and we go at it pretty hard in the committee. But on this we agreed.

So let’s look at a few others, and then I will yield the floor after we go through the rest of these.

"Highway Bill Would Boost Stability." This is Mississippi. This is one of the reddest States in the Union. I beg Speaker BOEHNER to open his ears and hear me:

A two-year, $109 billion highway bill that passed the U.S. Senate this week buoyed the hope of interest groups like roadbuilders and the road industry that the House can be prodded by the Senators’ action to pass its own bill before a March 31 expiration date. . . . This bill has no earmarks. Mississippi could derive major benefits.

I am just saying, when we have editorials from Mississippi for a bill, we know it is a bipartisan bill.

Let’s take a look at some others: “A Solid Transportation Bill.” This comes from Oregon, the Register Guard, an editorial:

By an impressive bipartisan vote of 74 to 22, the Senate on Wednesday passed a two-year bill for transportation. The House should move quickly to approve the Senate measure. If a transportation bill is not approved and signed into law by April 1, the government will lose its ability to pay for Federal transportation projects.

So now we have Mississippi, Oregon, Illinois, and Ohio. I don’t remember all that I read.

“Bipartisanship in Senate Moves Transportation Bill.” This is Oklahoma, another deeply red State:

With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . . The country’s infrastructure has been ignored for too long and is in dire straits. This is an important part of the extension of the transportation bill. It will make needed improvements to our infrastructure, and it is a matter of jobs.

I am telling my colleagues that I am buoyed by these editorials because these editorials from Republican papers and Democratic papers are non-partisan. They are all urging us to act.

“Transportation Funding Held Hostage in the House.” Fort Worth StarTelegram, Texas—another red State:

What an exciting thing to see the Senate pass a surface transportation bill last week on a 74 to 22 vote. Such bipartisan support for maintaining and improving this crucial part of our transportation network makes it almost seem like the good old days in Washington. . . . At one point, [House Speaker Boehner] said he would put the Senate bill before the House. Earlier, he said House Republicans might go for an 18-month extension. . . . It’s beginning to look like Boehner doesn’t have a clue what the House will do. . . . Does this sound familiar? Does it remind you of the congressional follies of last summer. . . .

I can’t reach Speaker Boehner. He doesn’t answer my letters. CANTOR doesn’t answer my letters. They just have spokespersons who put something out there. What is wrong with talking to each other? What happened to those days?

Now, it goes on, and I am going to go through these: “Pass This Transit Bill.” This one is the Miami Herald:

In an all too rare display of bipartisanship, the Senate, by a vote of 74 to 22 last week, passed a transportation bill of vital interest to South Florida and the rest of the country. . . . This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their interests and accept the bipartisan Senate version before funding runs out.

So here is the thing—I will wrap up—there is a clear path to success, and it is not painful. It is not painful. Speaker Boehner and Leader CANTOR should abandon their idea of these endless extensions. We have proven today through the State organizations and by talking to State officials in all of our States that jobs are already being lost because of the dithering—that is my word—and the fact that they are talking about extensions. Extensions are no good. Extentions mean job losses—41,000 jobs already lost today as of now in North Carolina and thousands in other States because States do not have the ability to up-front the Federal share. They are counting on us.

Our bill is fully paid for in a bipartisan way. Our bill has not one earmark. Our bill takes 90 programs down to 30. It is streamlined. It is made efficient.

We have, in a bipartisan way, added the Restore Act. We added ways to fund rural districts for their schools by the timber receipts. This is a good bill, and this is a bill that is truly a work product of everyone in this Chamber. Even those who ended up voting no had something to do with it and helped us get it through.

So there is a clear path. They pulled their 60-day extension off the floor of the House, and that is a good thing. Now they should put the Senate bill on the floor and both sides should embrace it and pass it.

Let me tell my colleagues a signal it will send to our people at home: It will send a signal of job growth in the future, a signal that we are working together, a signal that we are going to get this done. Part of this recession is something that we put aside politics for the good of these hard-hat workers and the companies that employ them. They deserve it. They got hurt by Wall Street. Everybody in the country did. But for these construction workers, because of all this messing around with these mortgage-backed securities, it killed the construction industry and housing.

We have a chance to help some of the hardest working people in our Nation. I call on the House leadership to take a page out of our bipartisan book here and pass the Senate bill.

I thank my colleagues, and I yield the floor.

The PRESIDENT pro tempore of the Senate (Mr. CASEY). The Senator from Missouri.

GAS PRICES

Mr. BLUNT. Mr. President, this week the majority brought a bill to the floor to talk about gas prices and energy-producing companies. That was yesterday. Today the majority brought another bill and tried to move away from that bill. We ought to be talking about gas prices. We should be talking about what impacts so many families and so many businesses and so many individuals.

I talked to somebody on the phone just yesterday, a friend of mine from St. Charles, MO, where gasoline is about $3.50 a gallon. That is a little lower than it is maybe in other places where it is $3.90, the national average, though I am sure we can find a place in St. Charles where the gas is $3.90. But my friend talked about gas prices, how it affects his business, the restaurant business.

So I have said on this floor before, when American families stand before that gas pump and the cost goes from $40 to $50 to $60 to $70, almost every family in America watches those numbers and
thinks of something they were going to do that week or that weekend that they are not going to do. Certainly, if you are in the restaurant business, as my friend is, you know that.

But he said: I was at the gas station just yesterday, and there was a woman there in a car with a child. She said: Could you just give me $5? I don’t think I can get home with the gas I have. I don’t have any money. I need to put a little more than a gallon of gas in the car so I can get home. Could you put $5 of gas in the car for me?

He said: I put $20 of gas in the car. And $20, at $3.90 a gallon—the national average—does not last very long.

People who are putting $5 or $10 in their gas tanks are not doing it because they love to go to the gas station. They are doing it because they cannot afford to put the gas they need in the car to do the things they need to do.

The national average hit $3.90 just a day or two ago, and it is on the way up now. It is more than double what it was in June 2009, when gasoline was about $1.90 or $1.91 a gallon.

People feel this. I cannot think of a meeting I have had in the last 2 weeks with any group who did not have some story about how energy and gas costs were impacting them.

Now, why would we have a bill on the Senate floor that would raise gasoline prices I have no idea. But that is the bill that is on the floor. I think the idea is that the majority is wanting to blame somebody else rather than the President’s energy policies. The American people do not accept that.

I asked people in Missouri to talk to me about some of the challenges they are having with these skyrocketing fuel prices. Remember, the President, in the fall of 2008, said at the San Francisco Chronicle, under his energy policies, energy costs would “necessarily skyrocket.” So I guess he has to believe the people are doing exactly what he thought they would do. But here is what they are doing to people all over America.

Trent Drake, a farmer in southwest Missouri, who raises soybeans, corn, wheat, and cattle, told me—of course, like every farm—he is heavily dependent on fuel, in his case diesel fuel. His fuel bill went up 125 percent over last year. That is more than twice the fuel bill he had last year.

Roger Lang, who owns a company, Byron L. Lang Inc., in Jackson, MO, told me a majority of all the profits they are making are now going back into paying the fuel costs, which, of course, means they cannot look at profits they made and think: What can we do for better benefits or better wages or to hire more employees? They have to think: How much higher is this gasoline bill going to go? How much higher is my energy bill going to go under energy policies we are working under now?

According to Roger Lang, if something is not done, he believes this one issue will end his business. A business his family has been operating since 1947 would be ended because we have energy policies that do not make sense.

Linda Yaeger, who is the executive director of the Older Adults Transportation Service, the processors who have told me a majority of all the profits of the OATS system in Missouri—provides transportation for seniors and people with disabilities in 87 of our 115 counties.

For every penny gas goes up, Linda said it costs her program $15,250. For every penny that gas goes up in 87 counties all over Missouri—essentially, for vans and buses that take seniors and handicapped people where they need to go—for every penny gas goes up, it costs $15,250. And for every penny that is a loss of the equivalent of 10,000 one-way trips for the people they serve.

Multiply that $15,250 by the 200 pennies gasoline has gone up in the last 3 years and suddenly we have a budget that does not do what is being done because it could do for the people they serve.

The Ozarks Food Harvest in Springfield, MO, where I live is a regional food bank that serves one-third of the State of Missouri, delivering about 1 million meals a month. Bart Brown, who runs the Ozarks Food Harvest, cannot, obviously, predict—as none of us can—these gas prices. But they did just have to raise their delivery costs from 4 cents a pound to 6 cents a pound. They have a 50 percent increase in the delivery costs to the Food Harvest in getting food to people’s homes.

The charities of America are incredible in their ability to make money last, to stretch a dollar, to do everything they can to make their contributions have real impact. The Food Harvest—I have been to a lot of these food banks, and they benefit from getting food from people who are food processors, who have an overrun or they have a damaged box or they have whatever is still perfectly good, but they are willing to make it available to somebody else because it does not quite fit the way they do business.

But when they have to increase their delivery costs by 50 percent just because gas has gone up—gas has gone up 100 percent. So if they increase their delivery costs by 50 percent, I guess they are going to blame the most of the situation in which they find themselves. It is not the only part of the cost, but it is a big part of the cost. That is going to have a big impact on all the people in one-third of the counties in Missouri that get food from the Ozarks Food Harvest.

Meanwhile, a lot of my colleagues on the other side have already admitted this tax hike on American energy producers would do nothing to lower gas prices. This clearly is a messaging bill. But why, if they were trying to divert attention away from the President’s energy policies, they bring this bill to the floor is a surprise to me.

In May 2011—a year ago—the bill’s sponsor, Senator MENENDEZ, acknowledged:

Nobody has made the claim that this bill is about reducing gas prices.

Well, why would they be talking about it if they could be spending the same time doing things to reduce gas prices. The American people believe the government could have an impact on gas prices. I believe the government could have an impact on gas prices. This bill we are talking about is not even designed, according to the sponsor, to reduce gas prices.

Senator BEGICH said the proposed tax hikes “won’t decrease prices at the pump for our families and small businesses.” He may or may not be for the bill, but he certainly has figured out what the bill would do.

Senator Baucus noted “this is not going to change the price at the gasoline pump. That’s not the issue.”

Well, what is the issue? Maybe we ought to figure out what the issue is. Families think it is the issue. Families think, when they see that sign go up three different times maybe in a week—that the price goes up—that there is some issue we ought to be dealing with. Senator Baucus admitted this bill “was never intended to talk about lowering prices.”

Probably this bill was never even intended to be on the Senate floor. I assume the majority brought this bill to the floor thinking Republicans would not want to talk about this topic of whatever tax policies are designed to encourage more American production. But why wouldn’t we want to talk about that? Why wouldn’t we want to have more American energy of all kinds?

Senator Landrieu told Americans this bill “will not reduce gasoline prices by one penny.” She is absolutely right.

So, really, this bill maybe is not a question of anything we ought to be talking about, so let’s talk about what we should be talking about. We ought to be talking about what increases American energy. The shortest path to more American jobs is more American energy—the jobs that produce energy and the jobs that benefit from competitive energy prices.

We are not some little European country. I know in the fall of 2008, before the President chose him, the Secretary of Energy said our problem was that our gasoline prices were not as high as the gasoline prices in Europe. We were at that moment they were $8 or $10 a gallon.

I do not think that is our problem at all. In fact, we are not a European country. We are the United States of America. We are a big country. Our transportation needs are different. Our energy needs are different. We generally do not walk to work or we generally do not only benefit from food

In May 2011—a year ago—the bill’s sponsor, Senator MENENDEZ, acknowledged:

Nobody has made the claim that this bill is about reducing gas prices.

Well, why would they be talking about it if they could be spending the same time doing things to reduce gas prices. The American people believe the government could have an impact on gas prices. I believe the government could have an impact on gas prices. This bill we are talking about is not even designed, according to the sponsor, to reduce gas prices.

Senator BEGICH said the proposed tax hikes “won’t decrease prices at the pump for our families and small businesses.” He may or may not be for the bill, but he certainly has figured out what the bill would do.

Senator Baucus noted “this is not going to change the price at the gasoline pump. That’s not the issue.”

Well, what is the issue? Maybe we ought to figure out what the issue is. Families think it is the issue. Families think, when they see that sign go up three different times maybe in a week—that the price goes up—that there is some issue we ought to be dealing with. Senator Baucus admitted this bill “was never intended to talk about lowering prices.”

Probably this bill was never even intended to be on the Senate floor. I assume the majority brought this bill to the floor thinking Republicans would not want to talk about this topic of whatever tax policies are designed to encourage more American production. But why wouldn’t we want to talk about that? Why wouldn’t we want to have more American energy of all kinds?

Senator Landrieu told Americans this bill “will not reduce gasoline prices by one penny.” She is absolutely right.

So, really, this bill maybe is not a question of anything we ought to be talking about, so let’s talk about what we should be talking about. We ought to be talking about what increases American energy. The shortest path to more American jobs is more American energy—the jobs that produce energy and the jobs that benefit from competitive energy prices.

We are not some little European country. I know in the fall of 2008, before the President chose him, the Secretary of Energy said our problem was that our gasoline prices were not as high as the gasoline prices in Europe. We were at that moment they were $8 or $10 a gallon.

I do not think that is our problem at all. In fact, we are not a European country. We are the United States of America. We are a big country. Our transportation needs are different. Our energy needs are different. We generally do not walk to work or we generally do not only benefit from food
products and other products that come from 5 or 10 miles away. That is not who we are. That is not who we are going to be. We need to have energy policies that work for us.

Congressional Republicans in the House and the Senate have long supported a plan that uses all American energy. In fact, at the State of the Union Message, one of the few smiles on the Republican side of the aisle that night was when the President said he was for an “all-of-the-above” energy strategy because that is what we have been for a long time, and mean it. That can include wind and solar, renewable, biomass, shale gas, shale oil, coal, nuclear—all of the above.

It seems to me the message has not gotten through to the regulators and the legislators that we need to be doing all we can to find more American energy—all of these things, every one I mentioned: Nuclear, big and small; natural gas. We now think we have more natural gas than we ever dreamed in the history of this country. Let’s go after it. Let’s use that resource to the advantage of our economy.

They all have bipartisan support, and I think there is bipartisan support for investing in the future. Let’s figure out what comes next in the energy world, but it will not come quickly, and our economy could not afford for it to come quickly. If we decide: OK, tomorrow we are not going to drive cars powered by gasoline. That would be a huge mistake. It would be an equally huge mistake if we decided 10 years from tomorrow none of us will be driving cars powered by gasoline. We do not even know what the next power source will be. We are going to use these fossil fuels for a while, and we should use them to our benefit.

Instead, my colleagues on the other side of the aisle want to talk about raising taxes on domestic energy and domestic energy manufacturers—tax hikes that absolutely will be passed along to consumers. Some of these things in the Tax Code are to encourage American energy production. There is energy all over the world. Why wouldn’t we want to encourage the energy production jobs to be here rather than somewhere else?

I know the President said we are going to give money to Brazil, and we want them to drill in the deep water, and we need to buy their oil and gas when they produce it. But why would that be our alternative when we could, in fact, do things that encourage American energy production or, if it is not from the United States of America, what about our neighbors? The Keystone Pipeline—80,000 barrels of oil a day is going to go somewhere because they are going to use that resource to their benefit, and it is either that the pipeline is going to come south to our refineries or it is going to go west and be sold to Asia.

Why we would not want the 20,000 jobs to build that pipeline—taxpayer-paid jobs but jobs for people who pay taxes, working for companies that pay taxes—why we would not want those jobs to be right here in the United States rather than in Canada, sending that pipeline west to eventually have that same oil sold to Asia, is a mystery to me.

If the President wants to support an “all-of-the-above” energy strategy, he should stop blocking all this energy. The President should work to enable all sources of energy we have in the United States. The best place for us to be doing that, which is in the right corner of this country. The next best place is our best trading partner, our biggest trading partner, our closest neighbor, Canada. Then even the Mexican energy appears to be on a rebound in a positive way that could benefit us.

Let’s be as independent as we can be on energy and the energy that relates most directly to American jobs.

The responsible development of more domestic energy will help create jobs, bring down prices at the pump, and position our country to have greater energy security. The shortest path to more American jobs is more American energy. Let’s get on that path instead of this path that is discouraging the very thing that can help us the most.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too come to the floor to talk about the most pressing issue facing so many American families; that is, the price at the pump. It is not only American families that are affected, but so many millions of Louisiana and American families; that is, the price at the pump. Sometimes we seem to get ourselves in a cocoon in Washington, DC, divorced from the real world.

We need to reconnect to the real world. Back in Louisiana, Pennsylvania, and every State across the country, middle-class, lower middle-class families are struggling with this ever-increasing price at the pump. When President Obama was sworn into office the price was a little over 3 years ago, that price was about $1.84 a gallon. Today, it is over double that, $3.80 and beyond.

That is a big hit to American families. That hits folks where it counts and where it hurts—in the wallet, in the family budget. All around Louisiana families are huddled around the kitchen table trying to figure out how to make it work because gasoline, transportation, drying food, and so much more can cut back a little bit, but for the most part it is a real necessity; it is going to work; it is getting the kids to school; it is doing absolute necessities.

This is a big hit to middle-class, lower middle-class families’ budgets and wallets and pocketbooks. So let me suggest the obvious; that we focus on what truly matters to American families, that we focus on that in the Senate, here in Washington, and we do something about that.

That is why I favored moving to the Menendez bill on the Senate floor. That is why I voted against moving off the bill today, not because I agree with that solution—it is not a solution—but at least we can talk about the topic, at least we can offer amendments on what is to millions of Louisiana and American families the biggest day-to-day challenge they face; that is, that ever-increasing price at the pump.

The Menendez Democratic plan, will not help bring down the price at the pump. In fact, it will do the opposite. I think the American people with good old-fashioned American common sense get it. Look, we are either going to buy the oil companies or we are going to hate the oil companies, but the Menendez bill increases taxes on U.S. energy companies and on U.S. energy production.

It increases taxes on those folks and on that activity. What do we think is going to be the result of that in terms of the price at the pump. The American people know. The American people get it. It is obvious. It is going to increase the price at the pump. It is certainly not going to decrease the price at the pump. Why? It is economics 101. When we give business a new additional cost, almost all the time that is going to be passed on to the consumer.

The American people get that. They see it. They feel it. They feel it every day. Also, when we increase taxes on something, we produce less of it in the market. In this case, the Menendez bill is increasing taxes on energy production, in particular, ironically, U.S. energy production, which I thought we wanted to increase and maximize.

So when we tax something more, we get less of it. Supply goes down. Guess what happens when supply goes down and demand is the same. Price goes up. So I not only agree with, but I go further than some of the Democrats who were quoted by the previous speaker saying this bill is not about reducing the price at the pump. It is not only about not reducing the price at the pump, it will have the impact of increasing the price at the pump.

Conservatives have a different suggestion that will decrease the price at the pump; that is, to use the resources we have in this country, to open our ability to use those energy resources, to produce more good U.S. American energy for ourselves, to increase supply, and to thereby lower the price at the pump. We can do that and we should do that.

A lot of Americans do not realize the United States is actually the most energy-rich country in the world, bar none. When we look at total energy resources, when we compare countries in terms of their total energy resources, the United States is the richest in energy, bar none. This chart shows that. The United States is top. Russia comes second. Saudi Arabia is third. But look at Saudi Arabia and all Middle Eastern countries—way below our total U.S. energy resources. We are very rich in terms of energy.

This map shows just how rich we are in terms of U.S. resources. We have
enormous recoverable natural gas, particularly with new technology and horizontal drilling that has been developed. That is these green circles. That represents, conservative estimate, 88 years of natural gas using just that for U.S. use.

We have enormous recoverable oil—again, very conservative estimates. But in the gulf, where we do produce, also on the east and west coast and Alaska, there is lots of oil, and we have enormous recoverable oil from shale, particularly out West. That is being blocked now. It is off-limits. But we have these resources.

The problem is—and I said we are the single most energy-rich country in the world, bar none. We are the problem. We are the only country in the world that puts well over 90 percent of our resources off-limits. We are the only country that does that. East coast production, no, absolutely not; west coast production, no—big red no; ANWR, Alaska, Wildlife Refuge, where we could access millions of acres of land from a very select footprint, smaller than an area the size of Dulles Airport in suburban Virginia; no; western shale production, where we saw so much increase potential on the previous map, no; even production in the eastern Gulf of Mexico, no. Under Federal law, because of this administration, because of this Senate, we keep saying no, no, no to our U.S. resources.

A good example of that is President Obama’s 5-year lease plan for offshore production. Under Federal law, every President has to develop and issue a 5-year plan about leasing the Outer Continental Shelf offshore. President Obama’s 5-year plan is half of the previous plan. We have very little we are able to touch as it is, and President Obama has backed us up from this, has turned us around, moved us in the wrong direction from there. He is literally half the previous plan. So we are moving there in absolutely the wrong direction.

This map shows that. This map is what was available for potential drilling under the previous plan. We were finally moving forward on the east coast, on the west coast, offshore Alaska. We have been in the gulf. But under President Obama’s very different lease plan, we are back to saying no, no, no, no—backing up, moving in the wrong direction.

We are moving in the wrong direction in other areas too under this administration. In the Gulf of Mexico near where I live, traditionally, the area where we produce the most U.S. energy, even in the Gulf of Mexico we are moving in the wrong direction. Production is down 17 percent in 2011. It is projected to go down more in 2012. Permitting is down over 40 percent compared to the previous levels of permitting. I know with the BP disaster there had to be a quick pause. We had to change some rules. But it is still down over 40 percent. Production is down 17 percent in one of the few areas we allow activity. We cannot afford that. We need to produce more good U.S. energy.

Oil production on Federal property, again, is down on all Federal property, offshore is down 17 percent in the last couple of years. We need to do better.

Of course, perhaps the clearest example of this approach to energy by President Obama is his veto of the Keystone Pipeline, a true shovel-ready project, truly ready to go. It is not U.S. energy, but it is the next best thing, from our biggest trading partner, a very good friend and reliable trading partner, Canada. The President has vetoed it and with it the 20,000 jobs it would have created—no; 700,000 barrels a day of oil from Canada, no; $7 billion of economic investment when we are trying to come out of this horribly weak economy, no; help to lower prices at the pump, no—again, No, no, no, no, no, no.

We can do better. We can do better as a country. We certainly can do better in Washington and say yes. We can do better with more domestic energy resources. Again, we are the most energy-rich country in the world, bar none. But we are the only country that puts over 90 percent of that off-limits. We need to change that. We can create more great U.S. jobs. Let us say yes to that. By the way, those are jobs which by definition cannot be outsourced to China or India or anywhere else.

If we are creating energy in the United States, we are not going to buy it from Canada, the United States. We can build greater energy independence. Let us say yes to that. We can dramatically increase revenue to the Federal Government and thereby reduce deficits and debt. After the Federal income tax, the second biggest source of revenue the Federal Government has is revenue on domestic energy production, those royalties, second only to the Federal income tax.

Let’s say yes to that new revenue, deficit and debt reduction, and we can help lower the price at the pump because supply does matter. Increased supply does matter. It will lower prices.

Again, I disagree with the Menendez approach. The Menendez approach will increase the price at the pump and increase taxes on an industry and that is going to be passed on to the consumer. Taxing something more produces less of it. Less oil means the price goes up. But we can have an American solution. We can open access to our own resources and thereby gain control of our own future. We do not have to beg Saudi Arabia to regain control of our own destiny and our own future. Let’s do it. The American people want us to do it. Common sense dictates that we do it. Let’s move forward together and do it for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.
This bipartisan bill streamlines the number of Federal transportation programs from over 90 to 30. For the first time it requires States to collect data so we can measure what kind of bang we are getting for our buck. Not only is it a good bang for the buck, but it is more accountable. I think that is why groups from the AFL-CIO to the U.S. Chamber of Commerce support this bill. They have come together to support a bill that is truly bipartisan and that would support nearly 2 million people and improve the economy in my State of New Hampshire, about 6,600.

There have been a lot of reports about the difficulties facing the House in finding an agreement on a transportation bill. I think the Senate has provided a very good model that maintains current funding levels and avoids an increase in both the deficit and gas taxes.

What we need now is for the House to join the Senate and produce a reasonable, bipartisan, long-term transportation bill that can give local governments and businesses some certainty before the height of the construction season. State and local transportation projects budget and plan based on the idea that Federal Government will provide a consistent level of long-term funding. When you are planning a multi-trillion dollar project that employs hundreds of people, it is critical to know what your budget is going to be more than a couple months in advance. We would not run a business that way, and we should not expect the government to run that way.

If the House doesn’t pass a bipartisan, long-term, transportation bill, States and towns won’t have the certainty they need from us in Washington to plan their projects and improve their systems.

According to numerous studies, deteriorating infrastructure costs businesses and communities insufficient time to comply. We must make sure that we have accommodations for the disabled in every public place. This is happening around the country. But to do this with very little thought of the implications and the cost and the actual service to the disabled is a huge problem.

As we have seen time and time again, one-size-fits-all mandates from Washington don’t work. We want public pools to have the flexibility to work with people with disabilities to ensure success.

On January 31 of this year, 2012, the U.S. Department of Justice Civil Rights Division published revised requirements for swimming pools and other places of public accommodation. The DOJ has now put forth new regulations that many may or may not be aware of. According to the Department of Justice, the purpose of the new regulations is to make public accommodation accessible to everyone, including those with disabilities. This is a good thing. It is why we have the Americans with Disabilities Act.

The rule requires a permanent pool lift be installed for every pool or spa. So if a hotel, resort, or community association has more than one pool, they will have to get multiple lifts, instead of having one. This is a tremendous burden. The DOJ talks about billions of dollars being spent on something that could perhaps help the disabled but also become an obstacle and danger to others using the pool if this is not thought out and done in a careful manner.

The last thing we need to do right now is to add burdensome rules and requirements on businesses across the country. Hotel owners want to work in good faith to make their places accessible to everybody, but we have to make sure that here at the Federal level we are not killing off more businesses by imposing mandates.

Mandates such as these are burdensome on businesses, and we all know these costs will be passed on to consumers—including the disabled—in the form of higher hotel costs for rooms and services.

The Department of Justice has left many questions from the hotel industry and others unanswered on issues such as compliance ability, timeframe, and economic cost, as well as rising insurance premiums.

It is clear that the deadline for compliance should be extended to allow hotels and other places of public accommodation flexibility in providing access to guests with disabilities. We should start over. They have given a 60-day relief period, but that is not enough. We have to plan this to be planned or for the equipment to be manufactured. The companies cannot comply in this period of time.
We need to guarantee that services are available to the disabled, but the quickest way to do the wrong thing is the way the Justice Department is doing it now. So instead of us letting this go into effect and letting large fines be put on businesses all over the country, even community pools and YMCAs, let's set this judgment aside by unanimous consent today, and if we want to debate and work with the Department of Justice to come up with a rule that works for the disabled and works for all Americans, let's do it.

I have a unanimous consent request here that I wish to read.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 396, S. 2191, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, as one of the Senators who wrote the Americans With Disabilities Act and whose name appears as the lead sponsor of that bill that was passed 22 years ago, I oppose Senator DEMINT's effort to bypass the regular order and to amend the ADA to remove authority. There is no reason to terminate the Justice Department to regulate the accessibility of swimming pools. Twenty-two years have passed and periodically things such as this come up, but I believe the ADA has withstood the test of time. We look around at an America that has been transformed, not just for the disabled but for everyone. Everyone utilizes universal design now in the fact that things are easily accessible for everyone. When we initially started putting ramps in, people using wheelchairs would use those ramps. I ask anyone here, go out and watch who uses those ramps. It is not just people in wheelchairs. The elderly use it, mothers with baby carriages use those ramps. You would be amazed how many people find those ramps a lot easier than climbing up and down stairs. That is one example. But I want to be clear about what is at stake here.

The Americans With Disabilities Act is a law that guarantees the equal rights and equal opportunities for individuals with disabilities. Senator DEMINT's legislation attempts to interfere with the Justice Department's ability to enforce the statute, a civil rights statute. Again, it would be a danger to the precedent for the Senate to set, and that is why I object to his bill. Let me get to the point here on the swimming pools.

In September of 2010, the Justice Department published final regulations implementing title II and title III of the ADA. These new regulations addressed a number of issues that have arisen over the past 22 years, one of those being access to swimming pools and other recreational facilities. The requirement that has prompted Senator DEMINT's bill has to do with swimming pool accessibility.

Under the new regulations, newly constructed pools covered by the ADA are required to provide at least one accessible means of entry into the water for people with disabilities, which must either be a sloped entry into the water or a pool lift that is capable of being independently operated by a person with a disability. Larger pools—pools larger than 300 feet in length, which is a big pool, Olympic size—are required to provide a second accessible means of entry. Again, these were promulgated in September of 2010, so it has been almost 1 1/2 years. These requirements apply in the case of a newly constructed pool or one that has been significantly altered as a part of a renovation. Again, new pools or pools undergoing significant renovation.

In addition, the regulations require that public accommodations remove architectural barriers where it is readily achievable to do so, some existing public accommodations may be required to also increase access to pools for people with disabilities, one if under title III's readily achievable standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

So for example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

So for example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

So for example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

So for example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.

So for example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. That is not so. It is a very flexible standard.
screens, all of the things that seem to be commonplace today that we take for granted.

I am confident that the improvements in swimming pool access that these new regulations will require will turn public pools—which are not very popular—Actual pools—which are not very popular—may turn out to become very popular with hotel guests who don’t have disabilities. But think about it in terms of families who are traveling—it may be an adult, may even be a child with a disability, and they want to use the hotel’s pool. There is not a lift or there is not a ramp. So one person from that family is barred from using those facilities.

As I said, keep in mind, it is readily achievable. If it is not readily achievable, they don’t have to do it. That is why I objected to Senator DeMint’s request to bypass the regular process. I hope the Justice Department will continue. I don’t have a view one way or the other on the extension to September 30. The Commerce Department has written to us, duty-free. I see nothing wrong with extending it another 5 or 6 months. But at some point the law must take hold, and we have to honor our obligations to remove the barriers to accessibility in our country. We have come a long way since the ADA. Let’s continue the wonderful progress we have made in the last 22 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ACT OF 2012

Mr. DURBIN. Mr. President, my colleagues Senator BOOZMAN and Senator COONS and I are on the floor to speak to an issue relative to Africa. It is my understanding the majority leader is coming to the floor to make a unanimous consent request. With the understanding my colleagues that we will interrupt our statement for his request, I think we can proceed, if it meets with the approval of my colleagues. Since I was the last to arrive, I want to defer to Senator COONS and Senator BOOZMAN to start the conversation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator DURBIN and Senator ISAKSON for up to 30 minutes. And, as Senator DURBIN indicated, we will suspend when Leader REID arrives.

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

Mr. COONS. I want to briefly lay the groundwork for the conversation we are going to have in this colloquy about the Increasing American Jobs Through Greater Exports to Africa Act of 2012, of which Senator DURBIN is the lead sponsor and Senator BOOZMAN and I are the original sponsors.

The core question is, what is it about the rapid growth in Africa and the economic opportunity in Africa that should concern Americans, that should concern our constituents at home, and that should occupy our time and attention.

Back on November 1 of last year, the African Affairs Subcommittee of the Foreign Relations Committee delved right into this. Senator DURBIN, Senator ISAKSON, and I looked hard at the ongoing developments in Africa. As this first chart suggests, there has been a dramatic change in the amount of exports from China to Africa relative to the U.S. As this second chart suggests, the Chinese will give you $100 million and say “but you only have to pay back $70 million.” What a great deal that is, a 30-percent discount—with a few conditions; that you use Chinese engineers and Chinese construction companies and half the workers will be coming over to your country from China.

They are building a base of economic support within Africa. Between 2008 and 2010, China provided more to the developing world than the World Bank, loans totaling more than $110 billion. What we are suggesting is that as this is a growing opportunity for exports, we need to grow with it.

I would like to yield to my colleague from Arkansas who has been kind enough to join us in this effort.

Mr. BOOZMAN. I thank the Senator from Illinois for doing that. It is a pleasure being with him and the Senator from Delaware. I think this is a good example of working together. The name of the game now is jobs, jobs, and exports mean jobs. The other people being so very helpful to our colleagues—in the House, Congressman Chris Smith, and also Bobby Rush from Illinois. These guys have been very helpful. Then, Don Payne, who is my former ranking member and chair who recently passed away, I know he would be very pleased with this effort.

I have had the opportunity to travel to Africa on many occasions, being on the House Foreign Affairs Committee and now being in the Senate. It is interesting. You go to these places—the Senator mentioned this—you go to these places and all they want to do is talk about trade. They want American products. They want American products. I was part of the first delegation to visit South Sudan. Here they are, this small, struggling country and again all they want to do is talk about trade.

Mr. COONS. Mr. President, I ask unanimous consent to suspend our colloquy.

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

Mr. REID. Mr. President, I hope I am not interrupting anything that cannot be restarted in a short time.

UNANIMOUS CONSENT REQUEST—H.R. 1905

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and the Senate proceed to its consideration; that all after the enacting clause be stricken and a substitute amendment taking place in Ethiopia because of China.

The numbers tell the story. When we look at what China offers to Ethiopia and the continent of Africa, they are offering concessional loans. What it means is, if it is a $100 million project that you need—and it is—it is okay and most of the comments of 2012, of which Senator DURBIN is the lead sponsor and Senator BOOZMAN and also B. Rush (R-IL) and Congressman Chris Smith (R-NJ) and Mr. BOOZMAN. I thank the Senator from Delaware. I think this is a good example of working together. The name of the game now is jobs, jobs, and exports mean jobs. The other people being so very helpful to our colleagues—in the House, Congressman Chris Smith, and also Bobby Rush from Illinois. These guys have been very helpful. Then, Don Payne, who is my former ranking member and chair who recently passed away, I know he would be very pleased with this effort.

I have had the opportunity to travel to Africa on many occasions, being on the House Foreign Affairs Committee and now being in the Senate. It is interesting. You go to these places—the Senator mentioned this—you go to these places and all they want to do is talk about trade. They want American products. They want American products. I was part of the first delegation to visit South Sudan. Here they are, this small, struggling country and again all they want to do is talk about trade.

Mr. COONS. Mr. President, I ask unanimous consent to suspend our colloquy.

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

Mr. REID. Mr. President, I hope I am not interrupting anything that cannot be restarted in a short time.

UNANIMOUS CONSENT REQUEST—H.R. 1905

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and the Senate proceed to its consideration; that all after the enacting clause be stricken and a substitute amendment...
which is at the desk, which is the text of Calendar No. 330, S. 2101, the Iran Sanctions Accountability and Human Rights Act as reported by the Banking Committee, be inserted in lieu thereof; that the bill as amended be read a third time and passed and the motions to re-consider the table, there being no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. REID. At this point, the right to object, I am amazed the majority party objects to an amendment that simply restates the Constitution. Our Founding Fathers feared granting power to declare war to the Executive. They were quite concerned that the Execu- tive can become like a King. Many in this body could not get boots on the ground fast enough in a variety of places, from Syria to Libya to Iran. We don't just send boots to war; we send our young Americans to war. Our young men and women deserve thoughtful debate. Before send- ing our young men and women into combat, we should have a mature and thoughtful debate over the ramifications of war, over the advisability of war, over the objectives of war.

James Madison wrote:

... that the Constitution supposes what history demonstrates, that the Executive is a branch most interested in war, and most prone to it. Therefore, the Constitution, with studied care, vested that power in the legis- lature.

My amendment is one sentence long. It states that nothing in this act is to be construed as a declaration of war or as an authorization of the use of military force in Iran or Syria.

I urge that we not begin a new war without a full debate, without a vote, without careful consideration of the ramifications of a third or even a fourth war in this past decade. I, there- fore, yield the floor.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am ter- ribly disappointed. There is nothing in the resolution that talks about war; in fact, it is quite to the contrary. It is unfortunate. I know, I read the Con- stitution a few times. My friend says he wants to restate the Constitution. That is a strange version he just stat- ed. I don't see that anywhere in the Constitution. So I am deeply dis- appointed the Senate was not able to enact additional critical sanctions against the Republic of Iran.

The sanctions that came out of the Banking Committee unanimously are a key to our work to stop Iran from ob- taining nuclear weapons and threat- ening Israel and jeopardizing the U.S. national security. It is a bipartisan bill which passed unanimously out of the Senate Banking Committee. It would have had much needed new sanctions put in place right now, as we speak. We could pass this legislation this minute if the minority would drop their oppo- sition. We can't afford to delay these sanctions or slow down this process in any way. I am willing to move this bill without amendment also at any time. I say to my friend, if there are addi- tional issues that should be done—I was told this morning that Republicans want to offer amendments to this unanimous consent request. I said, no, because Democrats want to also. But we are satisfied with where we are. This is a wonderful piece of legislation, done on a bipartisan basis in the Bank- ing Committee. As my friend, the junior Senator from Ken- tucky, want to do more, as do my friends from this side and the Republic- nian side, let's come up with some- thing else. But I think not to do this is unfortunate.

We are slowing down these sanctions. This is not a declaration of war or even anywhere within the neighborhood of that. We are slowing down these sancti- ons. That I believe is the way to avoid using this power. I will move this bill without amendments, at any time. I repeat. I am hopeful my Republican colleagues will see the light and realize how important it is to advance this measure and prevent Iran from obtain- ing nuclear weapons.

Mr. DURBIN. This bill develops a comprehensive strategy to coordinate the agencies of government in helping U.S. businesses export to Afri- ca. Currently, the U.S. export pro- motion and financing regime is a patchwork of overlapping, loosely co- ordinated, and maybe in some cases wasteful efforts that are difficult for U.S. businesses to navigate and too often unresponsive to the real needs of real businesses.

This bill creates a special Africa ex- port strategy coordinator to ensure this is no longer the case. He will work with the existing export agencies and make sure they are on the same page. The bill establishes a minimum num- ber of commercial Foreign Service offi- cers to be stationed at U.S. embassies in Africa and the multilateral invest- ment banks. These are the men and women who are contacted by American businesses, wanting to do business. They can navigate through local government requirements as well as some of the other cultural challenges they might face. This bill standardizes and simplifies the training received by economic and commercial officers. It also incrementally increases the amount of money Ex-Im can loan over the next 10 years and creates a stand- ard of accountability for those loans. Remember, this is only an increase in the lending limit, and these loans actu- ally make money for the U.S. Treas- ury.

Lastly, this legislation gives the Ex-Im-Import Bank greater incentive to aggressively counter concessional loans, below-market loans such as the one I mentioned earlier in the case of Ethiopia and China, that countries such as China often use to undercut our bidding in the process.

After the Prime Minister of Ethiopia explained to me how the Chinese were offering these concessional loans, he then said: But, of course, then we turned around with the telecommuni- cations contract and won that too. He said they are winning ev- erything. That is not good news for us. We have the capacity to produce goods and provide services competitive with any nation in the world. But once they have basically become a part of the local economy and are a part of the local culture, it is difficult for our companies to compete. That, I think, is the real challenge we face.

That is what this bill basically does. I think it not only creates an oppor- tunity to create jobs here at home as been mentioned by Senator BOOZMAN and Senator Coons, these are devel- oping nations which are reaching a
level of economic maturity. We want to be not only good trading partners but partners with them in the future, developing not only good markets but good values that are consistent with our view of democracy and the participation of people who live in each of these States.

I would like to yield at this point to Senator BOOZMAN.

Mr. BOOZMAN. I agree with the Senator from Illinois. We trade not only goods and services but we trade ideas. That is so important as we go on. Certainly, Africa is developing a very healthy middle class. This is certainly something new that they have not seen before. Again, they are hungry for American products.

I appreciate the way the legislation was crafted in the sense it is revenue neutral so there is no cost to the taxpayer. What we are trying to do is get a plan together to make it such, particularly our small businesses, so they can use this huge continent that has so much going for it. Again, it could be such a great help to a State such as mine. In Arkansas, we are talking about we already export $3.6 billion in merchandise. I think one of the ways we are going to maximize Africa—this economic doldrums we are in and create jobs is going to be through exports, and certainly this gives us an opportunity.

We are almost—we could almost say, using the statistics from the Senator from Delaware, Illinois, and Colorado. But let’s understand as the middle class grows, their productivity will grow too and what they can provide us can make a big difference.

The world banks said recently in a report that Africa could be on the brink of an economic takeoff much like China was 30 years ago and India 20 years ago. So this bill, promoting our trade into Africa, could not come at a better moment.

I wish to yield to Senator BOOZMAN at this point.

Mr. BOOZMAN. Well, I agree with the Senator from Illinois and the Senator from Delaware. The bottom line is there is a tremendous opportunity for our country. I think that our country, as we do start the trade process, trading ideas along with goods, that, again, we are givers. We can be very proud of the work we have done in Africa. Nobody has done more when we are talking about food. I was one of the co-chairs of the malaria caucus. We can be very proud of the work the Congress has done over the years. These are things that the Western world can get together and eliminate.

As the continent settles down and develops a middle class, 60 percent of the businesses that do exports are small businesses and certainly we need to get in there. This bill challenges us to increase that by 200 percent and gives us the incentive and a template for how we do that so we can stop this erosion by the Chinese where they are outdoing us by about 3 to 1.

The Senator from Delaware.

Mr. COONS. Senator BOOZMAN is absolutely right. The significant investments that have been made by the last administration and the current administration, by Congresses controlled by both parties, in relief of the very broad health challenges throughout sub-Saharan Africa have produced dramatic results. It has been both positive results in terms of relieving human misery but also positive results in terms of the view that most Africans have of the United States. This is the continent on the Earth where we are most positively viewed. We need to do that platform and use the tools Senator DURBIN is trying to craft through this legislation we support to make sure that businesses large and small all across the United States see this continent clearly as a continent of opportunity, as a continent where we have strong potential partners, and get us back in the race.

Frankly, right now we have a wake up call. When those of us who have been to Africa repeatedly see an opportunity of great opportunity perceive that we are allowing other countries to rapidly move past us, with Senator DURBIN’s leadership with this bill, we can take that opportunity, refocus our resources, and prove this that the United States and Africa, working in partnership, build and sustain tremendous growth in imports, exports, and trade.

Mr. DURBIN. I hope we can change a few things in Washington as we look at Africa. I hope the U.S. Commerce Secretary will travel to Africa. That has not happened in years. I would encourage our Secretary to discover the opportunity on this continent for the good of our economy here in the United States.

It is hard to imagine, as well, the Commerce Department is actually cutting its staff in Africa at this point, the Export-Import Bank doesn’t have an African staff at this point. This can change. The tremendous growth of the African economy and its middle class makes lack of engagement inexcusable. We can reverse it, and this bill is a step in the direction to reverse it.

As Senator BOOZMAN said, it is modest, commonsense, and doesn’t add to the deficit. It thinks of ways to use current resources more effectively. It moves us in that direction with low-cost steps that will actually earn U.S. money while creating U.S. jobs.

I will yield on this issue and allow my colleagues to close if they have closing remarks.

Mr. BOOZMAN. I thank the Senator. We appreciate his leadership. Perhaps the three of us, and maybe others, can write a note to the Secretary of Commerce and ask him to make a much-needed trip to Africa, to look at this bill and not only do this, but use other ways as a strategy to implement so we can get our small businesses trading more with the continent, again, keeping up with the likes of China, India, and all of the places we mentioned.

I think once it is all over, we will be very proud of our efforts, just as I am
very proud, as was mentioned, of the efforts we have made in feeding the hungry, helping those with HIV, those with malaria, and diseases such as that. It is interesting that it is the place in the world where we have the highest acceptability. The people are very pleased with what the Americans have done there. Our State Department is doing a great job. We are teaching people how to fish rather than feeding them, and that has been very successful.

I appreciate everybody's efforts and hopefully we can get our colleagues together and get this thing passed.

Mr. COONS. I thank Senator BOOZMAN and Senator DURBIN for the opportunity to join together in this colloquy.

As Senator BOOZMAN referenced, this is another example of how when America leads with its values, America will find success for our workers, our families, our communities at home in terms of increased export opportunities, but also in terms of higher regard for our values, for our priorities throughout the world. When we are willing to take on the challenge of combating terrible diseases such as HIV-AIDS, tuberculosis, and malaria in partnership with research universities, in partnership with African universities, and doctors and health care professionals, we can achieve remarkable results.

When we pull together with Senator DURBIN's leadership on this bill and we pull together all of our government, OPEC, Ex-Im, the Trade Development Administration, the Department of Commerce, the Department of State, and we deploy the strength and the capabilities of America's entrepreneurs and small businesses, the sky is the limit in terms of the difference we can make for the people of Africa and the people of the United States.

I wish to thank Senator DURBIN for his leadership on this important bill. I am grateful for the chance to join him and Senator BOOZMAN in the colloquy today.

Mr. DURBIN. I thank my colleagues Senator BOOZMAN and Senator COONS.

Mr. President, I ask that this colloquy be brought to an end, and I be relieved of my duty as President pro tempore of the Senate.

Mr. DURBIN. I thank my colleagues Senator BOOZMAN and Senator COONS.

Mr. President, I ask that this colloquy be brought to an end, and I be relieved of my duty as President pro tempore of the Senate.

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

STUDENT LOAN DEBT

Mr. DURBIN. Mr. President, I held a hearing last week in the Judiciary Committee on an issue that most Americans care about but are not aware of the severity of the challenge we face. The issue relates to student loan debt.

Last month the National Association of Consumer Bankruptcy Attorneys issued an eye-opening report entitled "The Student Loan Debt Bomb." The report pointed out that American student borrowing exceeded $1 trillion in 2010, and the total outstanding student loans exceeded $1 trillion last year. There is now more student loan debt in this country than credit card debt.

Of course, when used prudently, student loans can be valuable. I am living proof of that. I borrowed money to go to college and law school. I paid it back and felt it was money well invested. I stand here today because of it. A lot of students have gone through the same experience. Unfortunately, too many students today are being steered into loan plans that they will never be able to repay.

According to an analysis by the Federal Reserve Bank of New York, 37 million Americans hold outstanding student loan debt with an average balance of $23,300. However, only 39 percent of those student loan borrowers were actually paying down the balance. More than half of the student loan borrowers in the United States are not paying down their student debt.

The New York Fed's study found that 14 percent of student loan borrowers—that is 5.4 million Americans—were delinquent while the remaining 47 percent of borrowers were either in forbearance, which delays payment as the actual cost of the loan increases, or still in school and adding to their debt.

Last month Standard & Poor's issued a report saying that "American student loan debt has ballooned and may turn into a bubble."

Moody's Analytics recently said that "the long-run outlook for student lending and borrowers remains worrisome."

The overall growth in student indebtedness is troubling. The most pressing and worrisome parts of it are private student loans. What are these loans? These are loans given to individual students, not by the Federal Government or through a Federal agency, but rather through a private entity.

According to the Project on Student Debt, the most recent national data shows that 33 percent of bachelors degree recipients graduated with private loans—one of an average loan amount of $12,550. The difference between private and federal student loans is significant. Private loans to students in school are far riskier to pay. Federal student loans, through the government, have fixed, affordable interest rates at 3.4 percent. They also have a variety of consumer protections, such as forbearance in times of economic hardship, and they offer manageable repayments, such as income-based repayment plans.

On the other hand, private student loans often have high variable interest rates. While interest is at 3.4 percent for a government loan, it can be as high as 18 percent for student loans from a private source. We found that in our committee. That dramatic interest rate increase means that many students, unless they land a great job and can pay it back quickly, will find the principal not being reduced and the interest building up over the years.

Once a student takes out a private loan, that student is at the mercy of the lender. I have invited students from across the United States to share their stories about private loans and what has happened to them. I want to tell you one of those stories this evening. A young lady came to testify before our committee. Her name is Danielle Jokela. Danielle is a constituent of mine who lives in Illinois and appeared at our hearing on the looming student debt crisis.

The odds were against Danielle. Both of her parents were high school drop-outs, but because of the personal value education has for her, Danielle was determined to go to college. Not unlike a lot of young people these days, her family couldn't help her. She had to do it on her own. In the year 2004, she moved from Minnesota to Chicago to attend the Harrington College of Design, a for-profit institution owned by Career Education Corporation.

Before I go any further, let me tell you the story of the Career Education Corporation. November 1 of last year the CEO of Career Education Corporation resigned after it was disclosed that this for-profit school had reported incorrect information to its accreditor about the number of students who were getting jobs after they graduated. It was such an embarrassment to the corporation that he was forced to resign. The parting gift for this embarrassing situation was a $4 million parachute to CEO as he left the Career Education Corporation. He failed in his job and got rewarded for it.

Now let's go back to Danielle's story.

She didn't fail. She kept going to school. She fully trusted the staff at Harrington to help her with financial aid. They helped her fill out all the financial aid paperwork for her loans and made phone calls on her behalf. There was no discussion about interest rates and what the actual debt load would be by the time she finished. She was employed already without monthly payments once she graduated or did they tell her about the kind of salary she could expect to earn upon graduation or the percentage of graduates coming out of the Harrington School of Design who actually found a design job.

In 2007 Danielle graduated with a bachelor of fine arts in interior design. You can imagine how proud she was of her hard work. She got a job as a volunteer at an architectural firm. She fully trusted the staff at her school. She didn't fail. She kept going to school. She fully trusted the staff at Harrington to help her with financial aid. They helped her fill out all the financial aid paperwork for her loans and made phone calls on her behalf. There was no discussion about interest rates and what the actual debt load would be by the time she finished. She was employed already without monthly payments once she graduated or did they tell her about the kind of salary she could expect to earn upon graduation or the percentage of graduates coming out of the Harrington School of Design who actually found a design job.

Today, 5 years after graduation, she still hasn't found a job in that field and she now doesn't owe $79,000, she owes more than $98,000. Those loans just continue to grow. She makes one combined payment each month of approximately $380. Of her current income goes to student loan debt. Twenty-five years from now—in 2037— Danielle will have paid off her debt.
rates hold where they are, she will have paid nearly $56,000 for her Federal loan, which started off at $37,000, and nearly $155,000 for the $41,000 private loan. That is approximately $211,000 she will have paid 25 years from now on her $79,000 debt. That is a staggering 284 percent.

Do we believe any college student could even understand when they are signing these loan forms what they are getting into? They assume that if the Federal government loans money to the school, it must be a good school. Not true.

Many of these schools, such as Career Education Corporation, have what they call national accreditation. I met with a national accrediting agency. It accredits a lot of schools, some of which the President is very familiar with in his State. It turns out that the for-profit schools have a peer-reviewed accrediting operation. They look to one another to decide whether they are competent. They look to themselves outside of schools offering higher education, and the Department of Education accepts it. So what is the student to think? I am going to an accredited school, a nationally accredited school. The Federal Government offering loans to these schools offering even Pell grants. The student would assume that this must be a good school.

Secondly, of course, the situation with the cost of these for-profit schools is dramatically higher, the amount of indebtedness of the students is dramatically higher than public education and even private not-for-profit schools. The amount of the indebtedness of the students is dramatically higher, and more and more of these for-profit private schools are dragging the kids, the young students, into debt with private loans with absolutely explosive terms to them.

There is one thing I haven’t mentioned that bears saying. Under the current law, no student loan is dischargeable in bankruptcy except under the most severe and extreme circumstances. It hardly ever happens. It means that the loan papers you sign at the age of 21 are going to be with you for a lifetime. And if you aren’t one of the lucky ones—landing a good job, making enough money—you will watch what happens as that student debt increases. Danielle’s debt went from $79,000 in 5 years to over $98,000, and it continues to grow.

I asked her about her lifestyle—32 years old, married. She is trying to do the best she can. She can’t go back to school—impossible. She can’t borrow more money to do that. She is looking for a job and trying her best. She said: It looks like I am going to lose my home over this. It is just a little house my husband and I were working on paying for. We just can’t do it anymore.

Age 32, virtually in debtors’ prison for these private loans and Federal loans—for what? For making the mistake of going to college? I don’t happen to think that is a mistake. For most of us, it was a ticket to a future. She thought it was a ticket to a future for her. It turned out to be a ticket to a life of debt.

What are we going to do about this? Are we just going to shrug our shoulders and say: Oh, she should have thought twice about signing up or their parents who cosigned should have asked harder questions or are we going to be more honest about this? The current situation has to be examined in honest terms.

How many private loans are now not dischargeable in bankruptcy? What other private loans would not be dischargeable in bankruptcy? The answer is none. The only things nondischargeable in bankruptcy are things like Fed- eral student loans, taxes you owe the government, child support, and alimony. These private loans from schools were added a few years ago. We gave them the sweetest deal of any creditor in America. No other private unsecured creditor has that protection in bank- ruptcy, other than those issuing private student loans, like for-profit schools.

So you say to yourself, Congress, why did you do that? Why did you offer that kind of loan to a tiny sector of the economy? And the answer is, there wasn’t a lot of debate about it and there wasn’t a lot of talk about it. It was in the bankruptcy reform bill, which I voted against, and the provi- sion was stuck in there that gave them this sweetheart arrangement, this sweetheart deal.

Well, it may have been a sweet deal for the schools and the private lenders; it sure isn’t for Danielle. I don’t know what to tell this young woman. There is no place for her to turn. At age 32, that is her plight in life now. It is hap- pening more and more.

What I read earlier about this looming student debt crisis and the fact that this is a bubble is something we ought to take seriously. It is a serious problem. While the volume of private student loans is down from its peak in 2007 when it ac- counted for 26 percent of all student loans, we know that private lending is still being aggressively promoted by the for-profit college industry.

I always put these numbers on the record so people can put it into perspective. Ten percent of the postsec- ondary students in America attend for- profit colleges—10 percent. The for- profit colleges receive 25 percent of all Federal aid to education—10 percent of the students but 25 percent of the Fed- eral aid to education.

We had to put a statutory limit on the Federal subsidy of these schools at 90 percent. They can receive no more than 90 percent of their money—a for- profit school—in money directly from the Federal Government—loans, Pell grants. The GI bill is excluded, so it can still use this GI bill. These are the closest things to government agencies with multimillion-dollar parachutes for their CEOs that I have ever seen.

Yet we turn our backs and say that is the way it works. The Project on Student Debt reports that 42 percent of for-profit college stu- dents had private loans in 2008, up from 12 percent. For-profit college students graduate with more than twice the debt of their peers. And the last statistic: 10 percent of the students, 25 percent of the Federal aid to education, 44 percent of the student loan defaults through for-profit schools.

The answer is obvious: They string these kids out, bury them in debt, they end up graduating, and they can’t find a job to pay off their debt. And we sit here and say: Gosh, I wish there was something we could do about it.

There are a lot of things we can do about it. We need to take action. I have introduced legislation—the Fairness For Struggling Students Act—that re- stores the pre-2005 bankruptcy treatment for private student loans. If those for-profit schools and those creditors making private student loans knew they were dischargeable in bankruptcy, would they ask harder questions about the payback? Wouldn’t we be concerned about whether the students ac- tually could end up with a job? You bet they would. There is no reason private student loans should get treated differ- ently than any other private debt in bankruptcy, and it is especially egreg- ious that these private loans are non- dischargeable where a student was steered into a loan while the student still had eligibility for the much lower costing Federal student loan.

Think about that. Here is a student who is eli- gible for a 3.4-percent Federal student loan being lured into a private loan at 18 percent. As long as they have eligi- bility for the Federal student loan, the private loan certainly should not be nondischargeable in bankruptcy.

I am encouraging my colleagues to take a hard look at this issue. I bet a nickel that if my colleagues went to a town meeting in any town in Amer- ica—in Illinois or any other State—and asked folks there, does anybody have any concerns about federal loans, watch the hands go up. People are wor- ried about it.

The last example I will use is one of the people who work in my Federal office who is a wonderful lady who cleans the building and we have gotten to know her. She is an immigrant to this country with a limited command of English, but she is a hard-working person. Her daughter graduated from high school with a GED, and she was so elated when her daughter finally made it through high school. She came in one day and said: I have great news. My daughter was accepted to college.

It turned out she was accepted at Westwood College. Westwood College accepted her and offered her a degree in law enforcement. We asked her mother what it is going to cost. Well, it is $3,500 a Pell grant plus $17,000 in loans. And let me tell you, that little lady, fortunately, has become notorious. It is under investigation by the Illinois attor- ney general for its loans. Students
who watch all these crime programs on TV can’t wait to become part of law enforcement. Here is the sad news: Westwood College’s law enforcement degree is not accepted by any law enforcement agency in Illinois. It is not a legitimate college degree.

We can tell Wyoming because we have been through this with them before many times and said: If you don’t tear up those papers right now and allow her mom and her to walk away from this, there will be a press conference in front of your building tomorrow morning. They tore up the papers. But, sadly, many college students who went to Westwood didn’t have that good result. The worst one I know of is a young lady living in the basement of her parents’ home now, a graduate of Westwood with a law enforcement degree and $90,000 of debt and nowhere to turn. She is in her late twenties and has nowhere to turn. That is the reality of what is happening out there in the real world.

We have a responsibility here, a responsibility to these students, these leaders of tomorrow, a responsibility when it comes to the reputation of education in our country to step in and police those for-profit schools that are not doing a good job, that are taking advantage of students and leaving them deep in debt with worthless diplomas. It is not an issue where people jump up and say: Let’s get down to the floor and say: Pay less attention to what he says and pay more attention to what he does.

The average price of a gallon of gasoline, regular unleaded gasoline, is over 100 percent higher than it was when President Obama took office. I will say that again. The price of gasoline is over 100 percent higher than it was when President Obama took office. It is clear that the President’s policies are contributing to higher gas prices, but instead of changing course President Obama and Democrats in Congress are doubling down on bad policies and desperate schemes.

Here is an example. One Senate Democrat—someone across the aisle from me—said: Let’s ask Saudi Arabia to produce more oil. That is exactly what he said. He said his solution is to ask the Secretary of State to ask Saudi Arabia to produce more oil. Now President Obama and Democrats in Congress want to raise taxes on American oil production. So we are going to ask Saudi Arabia to produce more and yet raise taxes on those who are producing American oil. So the President and the Democrats want more oil from Saudi Arabia, and they also want to make it more expensive to produce American energy.

The legislation on the floor doesn’t make sense, and the American people recognize that it doesn’t make sense. Americans know that if you want less of something, you tax it more. They also know that if you want to increase the cost of something, you tax it more. Raising taxes increases the cost for consumers. So what President Obama and Senate Democrats are doing with this legislation.

They are proposing increasing gas prices by increasing taxes. Even the author of this legislation has said that “nobody has made the claim that this bill is about reducing gas prices.” So, then, why would President Obama want to increase gas prices 7 months before a Presidential election? Well, it appears to me it is because his political base fiercely opposes fossil fuels. Now that should not surprise anyone. We have seen this before. Of course, I am referring to the President’s rejection recently of the Keystone XL Pipeline, bringing energy from Canada into the United States. The Keystone XL Pipeline would have created thousands of good-paying jobs for Americans. The President said no. The Keystone XL Pipeline would have facilitated oil production in Montana and in North Dakota. The President said no. The Keystone XL Pipeline that would have increased supplies of oil from Canada. The President said no—to the point that the Prime Minister of Canada actually went to China to ask if they would buy the energy from Canada if the United States is not interested.

So why would the President reject it? Well, because his political base has told him that picking the Keystone XL Pipeline over cleaner energy is a political disaster. The President wants to have it both ways. He would like to please his political base as well as the American public. That is why the administration wants to go out of their way and ask Saudi Arabia to produce more oil. It is also why the President is considering plans to tap the Strategic Petroleum Reserve.

This will be the second time President Obama tapped the Strategic Petroleum Reserve. Last June, if you will recall, the President released 30 million barrels of oil from the Reserve. Prior to that, it had only been tapped twice for emergencies since 1975. So between 1975 and June of 2011, the Strategic Petroleum Reserve had only been tapped twice for emergencies. It was tapped in 1991 upon the outbreak of the Persian Gulf war, and it was tapped following Hurricane Katrina. In both instances those were real disruptions of the supply of oil to the United States.

But when President Obama tapped the Strategic Petroleum Reserve last year, there was no substantial prospect of a supply disruption. His decision at the time was based on politics, as would be his decision to tap it now. That is why Jay Leno recently called the Strategic Petroleum Reserve President Obama’s “Strategic Re-Election Reserve.”

Well, my Republican colleagues and I think there are other ways to address high gas prices. The other thing is, when they tapped the Strategic Reserve last year and took out the 30 million barrels, they did not actually refill it, so that the Strategic Petroleum Reserve is not filled up right now. It is lower. Just to fill it back to where it should be, its baseline level, would cost actually almost $1 billion, not less than they got when they sold the oil last year.

I believe there are things we should be doing and can do that will enhance, not jeopardize, our Nation’s security and specifically our Nation’s energy security. We understand the Strategic Petroleum Reserve is for emergencies, not political disasters; and we understand if we want more of something or if we want to lower the cost of something, the way we do that is make it easier to produce the product. That is why my Republican colleagues and I support making it easier to produce American energy, and it is why we are asking the President to make it easier to produce American energy—not harder, not more expensive but easier.

A few weeks ago, we learned oil and gas production on Federal lands and waters is down. Specifically, we learned there was a 14-percent decrease in oil production on Federal public lands and waters from 2010 to 2011 and a 11 percent decrease in gas production from 2010 to 2011.
Again, the President has not made it easier, but he must make it easier to produce American energy. The President can begin by increasing the number of permits issued for exploration in the Gulf of Mexico. It is my understanding that there are only 22 deepwater rigs active in the Gulf right now. Understand 34 deepwater rigs were active in the Gulf at this time in 2010. The administration needs to approve more permits and to do it immediately.

The President should also increase access to other offshore areas. He should provide access to offshore areas in the Atlantic and the Pacific Oceans. In November, the President proposed an offshore oil and gas leasing plan that amazingly excluded the Atlantic Ocean and the Pacific Ocean. He excluded areas off the coast of Virginia, even though both of the Senators from Virginia who are Democrats, as well as the Governor of Virginia who is a Republican, all support such exploration. The President could also better access to onshore areas. The President should open areas of Alaska, and we should support proposals to open ANWR. Both Senators—a Democrat and a Republican—and the Governor of Alaska support opening ANWR for energy exploration. The President should too.

The President should also take steps to facilitate onshore production in the West. Specifically, the President should scrap new regulations requiring “Master Leasing and Development Plans.” These regulations were put into place over 2 years ago by the Secretary of the Interior. It is unclear to me why the Secretary issued these regulations. They add more red tape, they raise annual compliance costs for refineries by billions of dollars. And it will almost certainly increase the pain at the pump that is being felt by American families. To me this is unacceptable. The President should at the very least delay the issuance of this rule.

Of course, there are other regulations that are driving up the cost of American energy. Efficiently, the President could also pursue forthcoming 3 regulations that will affect America’s refineries. A recent study shows this rule could increase the cost of manufacturing gasoline by 6 to 9 cents a gallon. This rule could also raise annual compliance costs for refineries by billions of dollars. And it will almost certainly increase the pain at the pump that is being felt by American families. To me this is unacceptable. The President should at the very least delay the issuance of this rule.

In addition to providing more access to Federal public lands and waters, eliminating burdensome regulations, the President should address delivery bottlenecks. Specifically, he should address all the bottlenecks the Keystone XL Pipeline would relieve. Here, of course, I am referring to the 100,000 barrels of oil each day that Keystone would ship from Montana and North Dakota. That is right—homegrown American energy from Montana and North Dakota.

Right now there is not sufficient pipeline capacity out of North Dakota and Montana. Do you know how they are getting the oil out of there? Well, they are shipping it on trucks and in trains, and that is a lot more expensive than shipping it by pipeline.

The Keystone XL Pipeline would reduce the cost of shipping American oil. In addition, the pipeline would ship about 700,000 barrels of oil a day from Canada. The Canadian oil would replace oil imports from OPEC and thus increase our Nation’s energy security. Approving the Keystone XL Pipeline is an easy decision, and the President should make that decision immediately.

Again, the President must abandon his support for policies such as this legislation that is ahead of us today, which will only increase the pain at the pump. He must also abandon plans which will put our Nation’s security further at risk. Instead, the President must make it easier to produce American energy. He should increase access to Federal public lands and waters, eliminate unnecessary regulations, and approve the Keystone XL Pipeline.

It is my hope the President will take all of these steps and do so immediately so the American public does not continue to suffer the significant pain at the pump. It continues to affect our country today.

Mr. President, I yield the floor.

Mr. President, just as I expected, we have been in this back-and-forth show-and-tell on oil and gas issues for some time now. We are working on a real energy plan, one that is important for not only my State, my colleague’s State, but for the whole Nation. So we go back and forth, and it is politics as usual in this Chamber. We just heard a nice presentation by my colleague from Wyoming about how it is all the President’s fault the prices are going up and all these other issues.

Let me just say this—and I know my friend from Louisiana knows this—in Alaska, there is a clear indication what we believe when it comes to energy prices. We have communities that pay $90, $10 a gallon for heating fuel. We have communities that pay upwards in the winter of $1,000 or maybe more per month in heating costs, making their ability to survive very difficult.

As we work on these energy projects and what is important, let me put another thing in perspective from Alaska. People think in Alaska all we care about is oil and gas. It adds a lot of jobs. But we also care about renewable energy. I know I have been on the floor of the Senate talking about that. My colleague has been on the floor talking about renewable, alternative energy. It is all part of the equation, how to ensure we develop a plan. We diversify our energy resources, and then we deliver it for the betterment of this country and economically in order for us to survive.

In Alaska, for example, as we work on our oil and gas development, we are also moving forward on renewable energy. In our State, just about 25 percent of our energy production for use in the State is renewable energy, with hydroelectricity being a part of it. We have a plan because we understand the value of it.

I want to show a chart I have in the Chamber, and then I know my colleague has comments, and we will probably go back and forth a little bit. But I want to show you this one chart.

When I came into office—and my colleague over here talked about ANWR. I
support ANWR. I am aggressive about it beyond belief. My colleague has been. Before I got here, she was pounding away on this issue also. It is important.

We have four regions in Alaska that are of value. When we talk about oil and gas in Alaska, at least from our office, we talk about everything that is possible. We talk about ANWR. We talk about the National Petroleum Reserve which—let me make that point—is designed for petroleum production. We have the Chukchi Sea, the Beaufort Sea over here. These four regions have huge value to the oil production of this country.

When we talk about this, where are we today? What can it do? What can it replace? It can replace countries such as Libya and Nigeria and Saudi Arabia, where we get oil from. We could actually produce it here, and the good news is we are on the path to do that.

Now, has it been long and tedious? Yes, so we are moving in the right direction? Yes. We have seen for the first time in 30 years the opportunity to develop in the Arctic that we have not seen before. We are seeing for the first time—this summer, Shell is moving up to the Chukchi Sea because the potential between the Chukchi Sea and the Beaufort Sea alone is 24 billion barrels of oil.

Let me repeat that. I know we deal with these numbers in our two States: billion when we look at the Chukchi Sea, 15.4 billion barrels of oil; plus a little side product, gas, and we love gas because it is clean burning, 77 trillion cubic feet; the Beaufort Sea, 8.2 billion barrels of oil—this is what we know best today in our estimates—where they are doing exploration now, so we are going to find out more opportunities—gas, 28 trillion cubic feet.

NPR-A, the National Petroleum Reserve-Alaska, 1 billion barrels of oil is what we know of, and they are in production this year.

ConocoPhillips will be developing in what they call CD5. ANWR is still a struggle, but 10.4 billion barrels of oil. It is still an important piece, where a small, little component of this would be developed, 2,000 acres out of 19 million acres. That would be the footprint we would utilize.

But the point I am trying to make is, if we want to get on to a real energy plan, then let’s do that. I know the folks on our side did their vote. It was amazing. It shocked me, actually, that they voted to move forward. They had not done that ever since I had been here on that bill. It is because they wanted to do show-and-tell for a week, get some press, and beat up the President because of Presidential politics.

I have my differences with the President. We fought him a lot on these issues. But what I am interested in, what I came here for—and I know the Senator came years ago for—is to do a real energy plan that involves our country being more self-sufficient on our own energy resources, and let’s do it the right way.

Let’s have the real debate that will make the difference for consumers. So when I go home, and my colleague goes home, and someone says thank you because we have set in motion a trend that will lower or stabilize gas prices for our homes, for our cars, for our businesses, for transportation in general, that is what we should be doing. But instead we are going to burn up a few days here and make a lot of noise—lot of speech—es, and then we will move on.

Well, I will tell you, and I think my colleague will agree with me on this, that the two of us are not going to stop. We are going to talk about an energy plan because that is what we need in this country if we want to grow this economy and make ourselves more self-sufficient and more secure nationally.

What is happening in the Middle East? The price is going up. It is not anything we are doing. But we have some good news. Even though it is pre-dominantly private land that has been the growth factor of oil and gas, we are getting the lower half of the growth factor in the first time in 10 years. I do not know, but to the Senator from Louisiana, I think that is a good thing; right?

Ms. LANDRIEU. It is a good thing. The Senator from Alaska is right on as usual on this subject and in the main stream of what most Americans, I believe, are thinking about.

I wanted to ask the Senator from Alaska, following your comments—I mean, why does my colleague think that the Republican side want to spend this week beating up on the President as opposed to doing something that might help energy policy advance in the country? I do not know if they do not realize that people are very frightened and anxious and upset about these prices or what does the Senator think is driving this sort of theater on the Senate floor?

Mr. BEGICH. Mr. President, the Senator said it in the question in a way. It is a lot of Presidential politics. I think what I hear when I go home is—and the Senator probably hears it too—that people are frustrated with that activism.

Think about this: Just a couple of weeks ago, we passed a bipartisan transportation bill. Unbelievable. People say we cannot do things together. Seventy-four votes moved a bill, with very diverse views, as we all know. But we worked it out. We spent 5 weeks doing it after all the committees’ months and months of work. And what did we end up with? A great product that the House, that now sits there languishing and not having anything happen to it.

What is interesting, if we do not do a good energy plan, here is what happens: asphalt, which is a petroleum-based product which builds those roads, only goes up. When that goes up, that means now the roads we want to build become less. It is not complicated.

Why are they not doing this—I think even some of their own Members were surprised that they had to be told by their leadership to change their votes and do a certain type of vote. Now we are in this no-end product. In other words, we are here with nothing. I do not get it. I know they will go home just like the Senator and I, and they will hear the same thing: jobs, gas prices, and construction and the housing market, what is happening there. These are the things we hear about. I am surprised.

Ms. LANDRIEU. I am surprised myself. I hope when we do go home constituents in all of our States will say: Stop the bumper sticker politics on the Ichabod Crane and get down to passing an energy bill. I think we most certainly, if we stop electioneering and start legislating, could actually do that.

Now the Senator from Alaska and I— and I have been here a few years longer than the Senator, but he has been a most welcome addition to this issue because he is knowledgeable. He comes from a State that is larger than almost 48 in which we actually produce resources. I have had the great pleasure to go to Alaska. I am looking forward to traveling there again this summer and actually going to the North Slope because in Louisiana we build many of the ships that actually operate in Alaska for their exploration activities.

Mr. BEGICH. If I can make a comment that the Senator just christened one of our new ships coming up. It has Ichabod Crane capacity and get down to doing what? Go right here.

Mr. BEGICH. That ship was just christened this weekend in Louisiana. So the relationship between Louisiana and Alaska goes back a long way. I am very happy to have the Senator here advocating for a smart and effective energy policy.

This debate some people are having—I do not believe I am included in that because we are here—we are here to do what we are called to do. We are having a colloquy about serious issues. But this so-called debate that everybody else is having is going to result in nothing, just a lot of sound bites. There will be no energy policy that comes out of this because the fact is—and everyone knows this that follows this—both parties are guilty for not having the right kind of energy policy. Democrats and Republicans alike.

But Republicans are not good at all when it comes to conservation. They resist sometimes the need for more domestic drilling. I think Senator Begich and I have pointed out that some States are more fortunate than others. We are in this no-end product. In other words, we are here with nothing. I am very happy to have the Senator here advocating for a smart and effective energy policy.

This debate some people are having—I do not believe I am included in that because we are here—we are here to do what we are called to do. We are having a colloquy about serious issues. But this so-called debate that everybody else is having is going to result in nothing, just a lot of sound bites. There will be no energy policy that comes out of this because the fact is—and everyone knows this that follows this—both parties are guilty for not having the right kind of energy policy. Democrats and Republicans alike.

Mr. BEGICH. Go right here.
March 27, 2012

CONGRESSIONAL RECORD — SENATE

S2073

has had an absolute direct bottom line on less petroleum products being used for gasoline.

Many of the new automobiles coming out of domestic manufacturers, because of what Democrats and President Obama did—it looks like they never gets enough credit for on the other side—have done to retool Detroit so that just this week in the newspaper, I believe it was the Washington Post—I wanted to ask the Senator from Alaska if he saw this article. The most amazing thing that has happened over the last 10 years is that our imports of foreign oil have decreased for 2 reasons: One, we are producing more oil and gas at home, although there have been some setbacks with this administration which we are not happy about, the two of us, but also because of the conservation we have done in this country.

Mass transit is a part of that, which many Republicans reject. Conservation initiatives are a major part of that, which Republicans reject. Helping the domestic auto industry, which they—

Mr. BEGICH. Absolutely. As a matter of fact, as we know, this line—this is the pipeline that brings resources from here down to Valdez and ships it throughout the country and the world. It is about 10 percent of the oil for our country that comes from Prudhoe Bay up here.

What is amazing about this development is, as it moves forward, it will obviously provide even more. Also, as the Senator said, with the map there, it is about jobs. I mean, when we think about this development, this could be upwards of 54,000-plus jobs estimated by an independent research arm. Plus these jobs pay very well: on an average, $117,000 a year. This is something about you; I think that is a good-paying job.

Ms. LANDRIEU. It is a very good paying job. This is a very good point because I have tried to remind everyone here that this oil and gas industry, especially if an Alaska does not just support the people of our States. Think about it. There are only 500,000 people in Alaska. If that is going to create 50,000 jobs, that would be 1 for every 10 people. But people fly in and fly out. They will work for 2 weeks or a month and fly back. We have people working on our rigs that are from Maine or from Colorado or from New Mexico or from New York.

Most of the people who work offshore are from the Gulf Coast States. I might say, You can tell this when you drive through the parking lots and see the license plates which are easy to spot. But I can tell you there are people from all over the country who work in this industry.

If I showed you a supplier line, you would see supplies coming from all over the United States to fund the operations like, for instance, the boat that is going to be operating in Alaska was built by people from Louisiana. Some of those boats are built in Mississippi, and some of that may even come from the east coast. I do not know if the Senator is familiar with that.

Mr. BEGICH. Some of those ships will be refurbished and some of the work that is being done is out of the Port of Seattle and Tacoma and that region. It is a nationwide aspect. Think about this. In 2011, the oil and gas industry produced 9 percent of the new jobs in this country.

Let me repeat that: Nine percent of all the new jobs in this country came from the oil and gas industry. It is the fastest growing industry at producing somebody, trust me; it would be like asking the Senators from Michigan: Do you know something about building cars? We know about that. We have been frustating. We have been using horizontal drilling, you know there is a lot of oil and gas still to be found, and the Senator talked about some of his reserves.

I know the Senator is aware that Louisiana—just off the coast of Louisiana—produces just about as much oil as we import from Saudi Arabia every year. I do not know if the Senator knows that.

How are the reserves looking in Alaska?

Mr. BEGICH. Well, absolutely. As a matter of fact, as we know, this line—this is the pipeline that brings resources from here down to Valdez and ships it throughout the country and the world. It is about 10 percent of the oil for our country that comes from Prudhoe Bay up here.

What is amazing about this development is, as it moves forward, it will obviously provide even more. Also, as the Senator said, with the map there, it is about jobs. I mean, when we think about this development, this could be upwards of 54,000-plus jobs estimated by an independent research arm. Plus these jobs pay very well: on an average, $117,000 a year. This is something about you; I think that is a good-paying job.

Ms. LANDRIEU. It is a very good paying job. This is a very good point because I have tried to remind everyone here that this oil and gas industry does not just support the people of our States. Think about it. There are only 500,000 people in Alaska. If that is going to create 50,000 jobs, that would be 1 for every 10 people. But people fly in and fly out. They will work for 2 weeks or a month and fly back. We have people working on our rigs that are from Maine or from Colorado or from New Mexico or from New York.

Most of the people who work offshore are from the Gulf Coast States. I might say, You can tell this when you drive through the parking lots and see the license plates which are easy to spot. But I can tell you there are people from all over the country who work in this industry.

If I showed you a supplier line, you would see supplies coming from all over the United States to fund the operations like, for instance, the boat that is going to be operating in Alaska was built by people from Louisiana. Some of those boats are built in Mississippi, and some of that may even come from the east coast. I do not know if the Senator is familiar with that.

Mr. BEGICH. Some of those ships will be refurbished and some of the work that is being done is out of the Port of Seattle and Tacoma and that region. It is a nationwide aspect. Think about this. In 2011, the oil and gas industry produced 9 percent of the new jobs in this country.

Let me repeat that: Nine percent of all the new jobs in this country came from the oil and gas industry. It is the fastest growing industry at producing somebody, trust me; it would be like asking the Senators from Michigan: Do you know something about building cars? We know about that. We have been frustating. We have been using horizontal drilling, you know there is a lot of oil and gas still to be found, and the Senator talked about some of his reserves.
Ms. LANDRIEU. We don’t have to drill everywhere. The resources are so spectacularly promising. I have to get back to this blaming President Obama. I don’t know if my friends on the other side remember who the President was when George Bush, a Republican, opposed drilling off the eastern gulf. The President at the time, his brother, George Bush, honored that no drilling pledge. I remind my friends on the other side that their party’s venture in this debate. They could do a lot better for the country if they would stop trying to throw President Obama under the bus every minute—although I don’t agree with all his energy policies; I didn’t agree with the moratorium in the gulf and other things. I think they made some strong points. But this should not be about hurting anybody; it should be about helping our country. We do that by using a balanced approach, such as the Senator from Alaska said. It is how we move forward in the legislation bill. It was balanced, a compromise, and it was a little of this and a little of that. We put a jobs bill together that will help our Nation.

We could put an energy bill together if we want to stop being less on people. One beats up on the companies and the other beats up on the President and the poor people are the ones who suffer.

I wish the Senator something about oil and gas taxes. People say: There goes LANDRIEU again; she is defending the oil and gas industry. Frankly, some of them, and the industry itself, should be defended because it is an honorable, good industry. It has provided jobs. It provided the oil we needed to win World War II. How do you think the allied troops got across Europe? They didn’t do it on a wish and a prayer. That oil came out of the Perman Basin in Texas. We have a long patriotic history in that industry. We get our dander up when people beat up on the industry.

People say the oil industry gets these subsidies. I wish to put two things into the RECORD. It says that according to the Energy Information Administration—which is our administration, not a third-party spinnister group. It says in the study published in 2008 that oil and natural gas received only 13 percent of the subsidy but produced 60 percent of the energy. If we don’t increase and diversify this energy, we will see in Alaska more independence than ever before? Probably in the Senator’s home state—I refer to member Anadarko, a very small company, which is now a very big one. We can look at these different companies and part of the incentives are utilized to take hard-to-get areas and make them more profitable so they can produce them. The result is that we now have more gas, for example, than we have ever had, and the price dropped so far that people are excited about it, which happens—if we talk to people who are actually living in the oil industry, they love these low prices because they are producing more opportunities in this country to produce products we used to produce overseas. So there is a ripple effect. People say these are bad incentives. Actually, we are producing more. They are paying one of the highest tax rates, as the Senator said. So we are getting money back on our investment. They are high prices because we don’t have a comprehensive energy plan to have diversified energy portfolio and make sure we deliver it everywhere we can. It is not complicated.

Ms. LANDRIEU. The Senator is right. I am glad he mentioned this as well because I happen to also represent a State that has a tremendous petrochemical industry. Of course, that is because the Mississippi River is there, as well as the great finds in the 1950s and 1960s for gas. So when big companies—particularly petrochemicals but also some manufacturing centers—took the world to where they go, one thing they look at is the tax rate. But that is not the most important thing. The other thing is to make sure they can find the skilled labor they need. They need manufacturing, and they cannot produce steel competitively, for instance, if we don’t have cheap energy.

So a lot of these companies came to Louisiana in the 1960s because we had cheap energy. That changed, and a lot of them left. Maybe we did other things to drive them offshore. You know what is happening today. Because of this $2 gas, they are all coming home. You should see the building we have going on. That is why the Texas unemployment is so low. It is the lowest in the Nation. I know the Governor would like to take all the credit for this. My Governor likes to take all the credit for this too. They are two outstanding Republican Governors, and they may be pretty competitive, but it is the lowest in the Nation that is driving this. That could happen in Colorado, it can happen in Illinois, if we just support the oil and gas industry in a balanced way, instead of choking it off.

Not only does that money go to them, it helps undergird this entire industry which employs millions more people, and it helps us to compete better with China, with India, and I know the Senator understands that. He doesn’t have as much heavy construction or refining in Alaska because of a little bit of the isolation. But I think he can appreciate what happens in New Jersey and Louisiana and Illinois, as an example.

Mr. BEGICH. Absolutely. I will tell the Senator we have been exporting for 40 years. We have been doing that because of our ability to do so and being able to get to the Pacific Asian market. Overall, the State here—through all its natural resources, we are a net positive in our export trade. We help lower the trade deficit for a variety of reasons—our fish, minerals, gas, and natural resources. So we are a huge contributor to this economy in a lot of ways.

I have been here only 3 years, and I still wake every day being hopeful. I am hopeful that at some point we will debate and have a real energy plan discussion. When we do that, the net result is that Americans will win, consumers will win, and national security will win. Everything wins if we have a good dependable energy policy that looks not only at today but down the road.

I think my friend from Louisiana made a very good point about conservation, about those issues. Thinking about the automobile industry, we came to their rescue and we got a lot of...
criticism—all of us, the President included—but what is the result? Those folks paid back their loans, and they are more innovative than ever before. But they are also producing more fuel-efficient cars, which saves fuel, and it saves our long-term dependency on foreign products.

Some people say that is not conservation; that was a bailout. It is a combo. It is multifaceted. For whatever reason, the other side sees that as just some government thing. I do not remember, but it was a pretty good interest rate we got on that money and they paid it back now and they are being more innovative. Most recently, our automobile industry is building more natural gas fuel vehicles. They want to move forward in that area. I don’t know if that will be successful, but they are moving forward because the price is lower. We have a lot of it, and that is an industry that is stronger than ever before.

As we move now talking about the importance of energy and how we have to develop our plan and have a diversified plan of action from all sources, as the Senator went through the list of the subsidies, we do it in every arena. We are trying to create a diversified energy portfolio for economic security, and it also creates innovation. We can not depend on one type of fuel source. It is all part of it. People who say it can just be oil and gas are in another world. We have to have a multifaceted approach and then we have to do it and deliver it for the benefit of the American people. There is a way to do that.

Again, I struggled tonight because of the vote I took yesterday—one of four—that said we are not moving forward because I saw what was going to happen. By this weekend, I will be home talking to Alaskans and sharing their concerns about high energy costs in small villages and urban areas, and they wonder what the question is—are we doing? I wish I could say here is the answer and the price will go down. For the 3 years I have been here—and the Senator from Louisiana has been here longer—we have had a debate with no real substantive beef. People have put something out on the table, and the other side voted against it, instead of having a meaningful, real comprehensive energy bill. We have tax incentives there and there but something that says this is what are going to do, so 20 years from now, all of us, including my colleague from Louisiana and my colleague from Colorado, can look at our kids and grandkids and say we did the right thing because we are stronger because we diversified our energy resources.

That is the fundamental issue we will not get to. We are in our own debate because we are a group of four. Two of them are out tonight. The rest are in a different debate.

Ms. LANDRIEU. Yes. I wish to reemphasize too the importance of getting back to the basics on energy policy. I have been privileged to be here long enough where I have helped to pass comprehensive energy bills. I remain hopeful when I wake too. I am a person with the glass half full and not half empty, and I try to remain optimistic in the face of evidence to the contrary. I remain hopeful we can continue on the path of more energy independence for our country. That is why that article, written this week, which I will put in the RECORD, was very telling to me, because I have been saying, similar to a lot of Republicans, where are we making any progress? I believe if we cannot manage, we cannot measure. What is the measurement? One of the measurements is, are we importing more or less oil from the world. And when I saw that had dropped by 15 percent, I was very encouraged.

And the article pointed out two reasons, not one—not drill, baby, drill or conserve and conserve only but both, because America has been doing a better job. Despite the setback of the moratorium, despite the setback with the Deepwater Horizon, despite some of the President’s slow policies on drilling, and despite the Republican resistance to conservation, we have been doing something right, because we have reduced our dependence on foreign oil, which is good.

We don’t want to be dependent on Venezuela and we don’t want to be dependent on the Mideast, particularly Saudi Arabia. They have been somewhat of an ally, but they do not share all our values, let’s be honest. Women just got the right to drive this year—no, actually, to vote this year. I don’t think they have the right to drive yet officially. So do we share those values? No.

So why don’t we kind of get back to the basics here of drilling more at home, promoting and expanding our nuclear industry safely. And I mean drilling where it is safe and not everywhere, as some Republicans suggest—let’s drill everywhere. We don’t have to do that. We have to be smart and strategic about where we drill, compromise some about the places that are really opposed to it. We can drill more, have revenue sharing, which makes sense with the coastal States of Alaska, Louisiana, Virginia, Mississippi, and Alabama because that builds a strong partnership and stakeholders between the local, State, and Federal governments.

I think we could do more on building efficiency in homes, do more on natural gas vehicles. Wouldn’t it be wonderful to have the kinds of vehicles that run on electricity or on—and I don’t know if this is possible yet, but we could experiment on electricity, on natural gas and on diesel or on bio that so if the price of natural gas was low, you would just sort of power yourself on natural gas. If your electric bill is low because you are on nuclear and the nuclear price is low and you can get the energy from your own nuclear powerplant, you just plug in your automobile and you pay very little.

Why can’t we break this dependency by producing more of everything at home and transforming our automobile industry, which is the big pull on fuel. You know, our industries run on coal or natural gas or some oil, but the real pull on this oil is our automobiles. That is where we are wrong. They do not want to fund this transformation, but we have to fund the transformation to help America move from an old-fashioned petroleum-based, where we just fill up at the pump because we only have one thing to get—and that is petroleum—to where we can fill up with several other things. This isn’t pie in the sky, this is happening right now. But with a little more government investment, it could happen more, and wouldn’t that be a relief?

The Senator from Alaska will know this, and I don’t want to misquote here because I could get in trouble, so I will be careful, but if we had a system like that, the price was $10, no one would care. Do you know why? Because they wouldn’t have to use it. Think about that. You wouldn’t have to buy it. You wouldn’t need it for your airplanes, you wouldn’t need it for your trucks or your cars because we would have created a system of choice.

And choice is power for the consumer—really good choice. They could fill up their car with natural gas or they could fill it up with another source. That is when we need to go. Then we will break it. We will break the dependency because it could be $10 or $100 a gallon and who would care, because no one would have to buy it.

So that is where we need to go. We can get there. We are sort of creeping there. That is what this article also said—inch by inch we are getting there, but we could accelerate it—no pun intended—if we get off this ridiculous “blame the person in the White House, you can win the election and then get back to doing nothing.”

So I will turn the conclusion over to the Senator from Alaska by saying that the debate with sound bites for elections coming up and bumper stickers to put on cars will not help, but I am ready for a real debate.

We have introduced several pieces of legislation. I have been a cosponsor of every piece of legislation since I have been here on any kind of major Energy bill. It has to have an environmental component, it has to have an environmental safety component, it has to have more drilling, revenue sharing, and then I think an expansion of nuclear power would be very important and the right subsidy mix for the kinds of energy we would like to produce in this Nation. That would make our Nation much stronger when it comes to energy, but it would make us so economically powerful and it would make us militarily more powerful because we do have the ability if we didn’t have to get on our hands and knees and ask countries that don’t even share our values to pump a little
more gas for us when we could pump it ourselves.

I yield to the Senator from Alaska.

Mr. BEGICH. I thank my friend from Louisiana, and I will conclude by saying that again that her point about being smart, not being too smart is what we are saying. No one is saying either/or, that it has to be this or that. It is a combination of things. Some will be more expensive today but maybe less later.

Think about the technology around the oil tanks that first time it came out, which used to be a box about this big, and you plugged it in your car and the big receiver would be in your trunk. It cost several thousand dollars to buy that technology, if you remember, and people were saying: No one is ever going to do that. Now you can go to the 7-Eleven—or in my State it would be the Holiday store—and buy throwaway phones. It is amazing what can happen when you allow some expansion of this knowledge and technology.

Oil and gas bring new technology. The Senator mentioned directional drilling, for example, which is new technology being developed in our State and her State to bring opportunities for the education is now doing—all kinds of opportunities.

When you think of the security level, I know the Senator from Colorado, our Presiding Officer here, has been in the Armed Services Committee, when we talk about all this, all the time. How do we get the biggest consumer—the military—to find new alternatives? And they are experimenting.

But what is amazing—and we heard it last week and the week before—is that our friends on the other side are wondering why the military is looking at alternative fuels. They actually asked, what gives you the authority to do that? Well, actually, when it costs you almost $400 a gallon for diesel fuel on the front lines of Afghanistan, I think that is a good reason. They should be looking at what kinds of alternatives they can use.

I have seen what they are doing. They are doing some amazing things with solar panels and small devices. And what is important about that for the military is they can move more rapidly through areas so they won’t have to worry about where is the diesel truck for energy. But for rural Alaska, it is important in our rural villages where it is $10 or $11 a gallon for heating fuel, and now there is technology that, instead of taking up a whole room, is portable, and they can move it, they can use it, and it saves consumers.

So there are all kinds of things we should be doing.

I know the other side will say: Those things cost too much; these things cost too much. When you are at the R&D stage, things always cost too much because you have to move slowly to develop and create the markets. But the military is a huge driver of a market, so I am excited that they are in these areas. And I oppose the idea of some Republican Senators and House Members who are saying they shouldn’t be doing anything experimental. Absolutely, they should. They are a consumer of the product. Let’s have them give us some innovation.

People may forget that the same people who were doing the energy development in the early 1990s are the ones who started the Internet, from which we all now benefit. Imagine in the 1960s if we had said to the military: Oh, we don’t want you testing whatever they were calling that Internet system. That is bad. You get out of that business permanently? No. Today? Now, as the parent of a 9-year-old, I might have a different view on this. I may not want my son on the Internet. But it made a difference in our economy and everything else that is going on.

To conclude, I would say we have a chance to develop, to diversify, and to change. If we liberal and Members of this body and one of the most conservative Members of this body, Senator BOXER of California and Senator INHOFE of Oklahoma, who worked for over a year and a half to put a comprehensive bill in the last Congress, is pending, hanging around this Capitol, that if we could get passed would mean a great deal immediately—tomorrow, literally the day after the bill is signed by the President—and that, Mr. President, is the Federal highway transportation bill which last week was passed and compromised by one of the most liberal and one of the most conservative Members of this body, Senator BOXER of California and Senator INHOFE of Oklahoma, who worked for over a year and a half to put a comprehensive bill in the last Congress.

This bill would give at least 2 years of certainty, and then we could come down the road. We could give at least 2 years of certainty. And you know what, it is a lot better than the short-term 3-month, 6-month, 2-month or 3-month bill, and we have been under for the last several years. That gives no consistency—none—for our States and our counties and our cities.

If you talk about uncertainty, the business community, real estate developers, planners, community planners, transit planners—these entities do not know what it is going to look like 6 months from now or even next year. This bill would give at least 2 years of certainty, and then come back, hopefully, and pass a long-term extension of 5 years or 6 years. But 2 years is much better than 30 days or 60 days or 90 days, which is what the House is contemplating.

I am proud the Democrats and some Republicans are standing up in the House and saying no short-term extension. We have a bill. We have the Senate bill that got over 74 votes of Republicans and Democrats, compromised between more progressive and a more conservative Member for the benefit of our country.

There are 1.9 million jobs at stake. For the Gulf coast Senators, there is an extra bonus. Besides funding our rail, our highways, and our transit, the Gulf coast Senators and House Members from the States of Texas, Louisiana, Mississippi, Alabama, and Florida got a very significant amendment to fund coastal restoration and flood control protection and economic development on the Gulf coast, a fine money that is going to be levied against BP sometime in the next few weeks or months. Instead of that
money coming to the Federal Treasury to be spent on a variety of different things, it will stay where the injury occurred, along the gulf coast, and 80 percent of that money will stay in those coastal areas and those coastal States, helping our economies to revive ourselves as coastal areas.

So Gulf coast House Members, I am speaking and hoping some of them will hear this message. Gulf coast House Members of either party, Democrats or Republicans, should stand tall and say: Yes, let's pass the Senate Transportation bill for the benefits that will come to our State and our Nation, creating or securing literally almost overnight 1.9 million jobs for the country, helping our recovery. But tucked into the Transportation bill is a bill that could bring billions of dollars to the gulf coast to help with coastal restoration and beach erosion.

I have seen the clips every day since we passed RESTORE, from Tampa, FL, to Plaquemine, LA, to Jackson, MS, to the Times Picayune in New Orleans, to the Houston Chronicle, and as faraway newspapers as the New York Times which have editorialized on: Pass the RESTORE Act now; bring jobs and economic relief to the gulf coast, an area and environment that has been hard hit by the 5 million barrels of oil that were spilled in the gulf. Next month, it will be the 2-year anniversary.

I don't know what the House of Representatives is thinking. They have a real jobs bill out there right now, voted on by Republicans and Democrats here, not just a few Republicans. I think more than half the Republicans in the Senate joined with us to pass this bill. In addition, it has the RESTORE Act in it. As the Presiding Officer knows, he had a great hand in supporting the part of that effort to fund the Land and Water Conservation Fund which will provide money to all the States for their parks restoration and maintenance and also for land purchase with willing sellers.

So I am on the floor to support BARBARA BOXER, to support Jim Inhofe, to say to the House: Take the Senate Transportation bill. Take it now. It is good for all your States and for the Gulf coast House Members particularly. The RESTORE Act is very bipartisan and bicameral. Theirs is a RESTORE Act very similar to ours. Please, let's join together, stop procrastinating, and pass this bill.

We have had many supporters of this bill. The chamber of commerce has put out messages to everyone today:

"The Chamber strongly supports this important legislation... Passing surface transportation reauthorization legislation is a specific action Congress and the Administration can take right now to support job growth and economic productivity without adding to the deficit."

I wish to say one word about this extension. Extensions are not benign. As Senator Boxer told us today, extensions in some States aren't worth the paper this extension will be written on because we know that most of these projects are funded by approximately 75 percent Federal money, 25 percent local. In the old days when States were flush with cash and people were running surpluses, when we messed up in Congress and put them in that box and not giving them the Transportation bill on time, some of our States could just dip into their local money, keep their projects going, waiting for us to do our job.

Those days are over. Do you know any State in the Union running a massive surplus right now? Do you know any State anywhere? I don't. Because States have drawn down their reserves. They are running on very tight budgets because they are all coming out of this recession. Even our State that has a very low unemployment rate relative to everybody else, that never experienced the recession as everyone else did, is still running pretty sizeable deficits at the State level. I can tell you, my State doesn't have any extra cash to front the Federal Government. When these projects run out and don't get reauthorized, a lot of these transportation projects will come to a halt. States will no longer be tight-foots. They will cancel or put on hold what is under contract until the money comes forward. So I am going to be in touch specifically with the State of Louisiana on how this is going to work in our State today. I am sure Senator Boxer knows that there are a handful of States that have already started to put out notices to their contractors: There will be no more paychecks associated with this road project or this bridge project or this mass transit project.

Let me show everyone what I do know about our State. These are the grades we get from the Civil Engineering Association. I am not proud of these grades. But the reason I am not embarrassed is because just about these grades. But the reason I am not embarrassed is because just about everyone else is running the same grades. America's infrastructure generally is graded at a D. We are the most advanced country in the world but get a D rating when it comes to our infrastructure, surface transportation, water infrastructure, dams, levees, etc., etc.

Our airports in Louisiana are C. Our levees, despite the huge investment the Federal Government has made recently, but because standing overall long-term disinvestment or lower investment over time, we still have a C. We have more bridge surface than almost any State in America—I think we are third—and we have a D-minus. We have more ports; in fact, Mississippi's southern port from Plaquemine to Baton Rouge is one of the largest in the world, definitely the largest in the country, a C-minus, and our roads are D. Our schools have been on the floor now all week, and I am joining her and helping her tell the House of Representatives they are playing with fire. They are playing with dynamite. We have to get this Transportation bill out. I am sure other States can benefit from this bill. If we don't, this will be the ninth short-term extension since 2009.

People at home must think we have lost our minds. The clearest thing to people at home—they may not understand, and sometimes it is hard for us to understand, all the intricacies of every issue. But everyone in America, even our children understand that to build roads we need a road crew, to build bridges we need a bridge crew, to build mass transit we have to have people actually constructing. We need jobs in America right now, yesterday, today, immediately.

by the House of Representatives sitting on a bill that is paid for—contrary to some comments from House Members, paid for—that will go for 2 years? It is as long as I would like. It is not 4 years, it is not 5 years, but it is 2 years. It is longer than the 90-day extensions we have been living under since 2009. It is 2012. Let's get a transportation bill.

My final point: For the gulf coast this is critical. We have a major piece of legislation tucked inside this bill. With the Transportation bill that the Senate passes, the RESTORE Act passes with it. We create an oceans trust fund, land and water conservation with willing seller provisions, and we invest billions of dollars in the gulf coast. It is a real jobs bill, not a pretend jobs bill. It is a real jobs bill. It means everything to our States. Whether one has a Republican or a Democratic Governor, they are waiting on us to pass this bill so they can get their people to work. I know mayors I have spoken to, police in our State, county commissioners are waiting for this money as well so they can get police and put peoples' lives to work. It is going to last 2 years. We can argue about the differences, about how the money should go directly to the States. We could argue about mass transit. We can debate that for the next 2 years. Let's pass the bill. Let's get it done.

I yield the floor.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. NELSON of Florida. Mr. President, with all of the very well deserved statements that have been made about our colleague Senator BARBARA MIKULSKI, I want to raise my voice in support of the milestone she recently achieved as the longest-serving woman in congressional history.

A personal word I want to add about Senator Mikulski is that she has been so supportive and such a leader of our Nation's space program. As the Chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and
Science, she has to intimately familiar with the details and the appropriate way to allocate funds that are vital for our civilian program to go forward in the vision and frontier breaking manner that it always has and I am grateful for her leadership. I want to thank my colleagues who she so well deserves and has already heard from so many of our colleagues.

Senator MIKULSKI began her tenure in Congress in 1977 as a member of the House of Representatives. She represented Maryland's Third District for ten years before moving to the Senate in 1986.

During her time in the Senate, Senator MIKULSKI has been a champion for many of the issues that are particularly important to my fellow Floridians and me. She is a strong supporter of veterans' and seniors' issues.

Senator MIKULSKI has also worked to protect our oceans by supporting the National Oceanic and Atmospheric Administration, especially during one of the worst environmental disasters we've seen. In 2010 she conducted a subcommittee hearing to explore the use of dispersants in response to the Deepwater Horizon oil spill in the Gulf, helping us to better understand the long-term consequences of that environmental tragedy.

Senator MIKULSKI also serves as Chairman of the Health, Education, Labor, and Pensions Subcommittee on Children and Families. In December, she chaired a hearing on child abuse, casting light on this issue and urging her colleagues to take greater steps to combat it.

I am honored to have served with Senator MIKULSKI for the past decade, and I look forward to continuing to work with her on matters of great importance to Maryland, Florida, and the rest of the country.

Ms. STABENOW. Mr. President, I join my colleagues in honoring the service of the Senator from Maryland, BARBARA MIKULSKI, on becoming the longest-serving woman in the history of Congress. She is an inspiration, a mentor, and a friend, and I congratulate her on achieving this historic milestone.

The story of BARBARA MIKULSKI is the story of the American Dream. The daughter of a grocer in Baltimore, she learned what it meant to do a hard day's work. She got good grades, went to college, and eventually got her Master's Degree in Social Work.

When she was in her 20's, she got involved in a fight to stop a highway proposal that would have cut through a working-class neighborhood. She not only had to learn how the Senate functioned but had a quick lesson in bipartisanism—the other woman, Nancy Kassebaum-Baker, was a Republican from Kansas. Today, we have 17 women in the Senate and 76 women serving in the House of Representatives.

Senator MIKULSKI has been an outspoken advocate for working people everywhere. Due in large part to her leadership and strong advocacy on behalf of women, our daughters and granddaughters will have opportunities that were not available to many women in the past. She is a wonderful role model through her dedication to public service, as she fights passionately every day for the people of Maryland that she is here to represent.

And so I want to add my vote to those praising Senator MIKULSKI as she reaches this important milestone. She is a true pioneer, a strong example of a smart legislator, and an outspoken voice for working people. I have great respect for the journey she has taken, and I am proud to serve alongside her.

JOBS ACT

Mrs. HUTCHISON. Mr. President, I rise today to speak on H.R. 3606, the JOBS Act, which we passed in the Senate last Thursday, March 22, 2012 by a vote of 92-0. I am very pleased that this legislation passed with such strong bipartisan support, particularly because it includes a measure which I authored to update the shareholder threshold before which banks must register their securities with the Securities and Exchange Commission.

Title VI of the JOBS Act is based off of S. 1941, which I introduced on December 5, 2011 with Senator MARK PRYOR. Section 601 of this title increases the registration threshold for insured bank holding companies to 2,000 persons and the deregistration threshold to 1,200 persons.

As the author of Title VI of the JOBS Act, I welcome today's consideration of H.R. 3606 in the House of Representatives. The new thresholds for registration and deregistration are effective upon the President's signature, and it is the intent of Congress that this new law should apply immediately to banks and bank holding companies so that they can raise additional capital to increase lending in their communities.

WOMEN'S HISTORY MONTH

Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize the dedication of women service members and women veterans in celebration of Women's History Month.

Women have played an important role in our Nation's military from the time of our Founding Fathers. Today, women make up 15 percent of the Active-Duty military and 18 percent of Guard and Reserve forces. Our women soldiers, sailors, airmen, marines, and coastguard have served courageously in Iraq and Afghanistan. They have earned a variety of awards from convoy leaders to fighter pilots to field medics. I am inspired by their bravery and their dedication to our country.

Already women make up nearly 10 percent of the veteran population, a proportion that Department of Veterans Affairs, VA, expects to grow over the next decade. VA has already come a long way in addressing the unique health needs and challenges that women face. A generation ago, VA wasn't even thinking that we would associate with women's health, but just this past January, VA marked an important milestone in caring for
women veterans. In Salt Lake City, UT, a woman veteran not only received all of her prenatal care from VA but also delivered a beautiful baby girl under the care of her VA obstetrician. Yet, for all of its recent progress, VA still must do more to ensure that women veterans are receiving the care that they need and deserve. As they return from the battlefield, the VA system must be equipped to help women veterans step back into their lives as mothers, wives, and citizens.

I am incredibly proud of the women who have served or are serving our Nation in uniform, and I strongly believe we must do all we can to honor them. That is why I led the effort to pass into law the Women Veterans Care Improvement Act. This bill, which was included as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, helped to transform the way that VA addresses the needs of women veterans. This act authorized the VA to provide neonatal care, train mental health professionals to provide mental health services for sexual trauma, develop a childcare pilot program, and staff each VA medical center with a full-time women’s veterans program manager. VA has an obligation to provide women veterans with quality care, and we have an obligation to make sure VA does so.

Our commitment to women veterans does not end with passing legislation like the Women Veterans Health Care Improvement Act. We must actively monitor the implementation and effect of these bills to make sure that no woman falls through the cracks. In December 2010, a VA Office of Inspector General report found that the Veterans Benefit Association had not fully assessed available military sexual trauma-related claims data and had no clear understanding of how consistently these claims were being adjudicated. As both men and women service members carry the devastating wounds of military sexual trauma, the GAO found in 2002 that 22 percent of screened women service members reported mental health issues. I have seen firsthand the devastating impact that these wounds have on the lives of those who serve our Nation.

The TRIBUTE TO MIKE DAVIES
Mr. BROWN of Ohio. Mr. President, March 2012 marks the 29th annual National Eye Donor Month—a month devoted to honoring eye donors and corneal recipients, and increasing awareness of the need for eye donations.

Since President Reagan declared the first National Eye Donor Month in 1983, the Eye Bank Association of America, EBAA, and its 97-member eye banks have used National Eye Donor Month to educate the general public on corneal donors and their families who provide life-changing corneal transplants for over 50,000 people annually.

Of the EBAA’s 97-member eye banks, four are located in Ohio, and they possess a deep-rooted commitment to restoring sight by providing corneas for sight-saving transplant procedures. In 2010, charitable eye donations made by Ohio residents allowed our State eyebanks to provide more than 1,000 corneas to those who are officially declared blind. These selfless efforts have not gone unnoticed, changing the lives of thousands of Ohioans through the selfless gifts of donors and their families.

The Central Ohio Lions Eye Bank in Columbus, serving 45 counties, has made possible over 12,000 corneal transplants since 1973. In the past 10 years, the Cincinnati Eye Bank for Sight Restoration, located in the southern part of our State, gave the gift of sight to nearly 6,300 individuals through transplantation.

In northern Ohio, the Cleveland Eye Bank has provided corneas for over 30,000 cornea transplants since its founding in 1958. Lions Eye Bank of West Central Ohio, LEWBICO, in Dayton has provided high-quality ocular tissue to surgeons and patients since 1982 and serves more than 1 million people in nine counties. LEWBICO is dedicated to making the gift of sight a reality for the Dayton community and all Ohioans.

Since the EBAA’s inception in 1961, corneal transplants have changed the lives of over 1,000,000 people. However, much remains to be done to offer more people the opportunity to receive life-changing corneal transplants.

I encourage all Americans to register to become eye donors. Inform your family of your wishes; designate yourself as a donor on your driver’s license; and register as an eye donor through your State donor registry.

I urge my colleagues to work with their local eyebanks and the EBAA to promote the importance of eye donation and its life-enhancing effects on corneal recipients.

During March 2012, let us commemo-rate the lives of the donors who make corneal transplants possible, celebrate the patients helped by these transplants, and work to widen the path for additional advancements in corneal transplantation.
will be inducted in the Master Player Category. Nick Bollettieri, legendary coach and entrepreneur, and Eiichi Kawatei, a strong promoter of tennis in Asia, will join Mr. Davies in the Contributor Category.

I was not surprised when I read that Mr. Davies taught himself how to play tennis and has used the same self-invented grip to swing his racket for the past 65 years. This anecdote is a perfect metaphor for how he, as an innovator, has transformed a game that so many Americans cherish.

Although we remember him as a great player battling to the top as No. 1 in Britain today, I recognize his perhaps lesser known contributions to tennis. He dedicated many years to leading our world’s major tennis organizations, including the World Championship Tennis, WCT, serving as its executive director for 13 years, the Association of Tennis Professionals, and the International Tennis Federation, where he made the Davis Cup a tournament worth watching. In these capacities, he changed parts of the game that we take for granted and made playing and watching tennis more enjoyable, competitive, and exciting. Mr. Davies developed and implemented tie-breakers, allowed players to wear color, changed the ball from green to yellow for the benefit of television viewers, added time between points and games, and suggested the use of chairs during breaks in play.

Remarkably, Mr. Davies is responsible for the first public broadcasting of a tennis match, facilitating the airing of the 1972 WCT final match between Rod Laver and Ken Rosewall on NBC. In addition, while at WCT, Mr. Davies implemented the first, multi-million world tour. These two big ideas made the sport more accessible to all Americans. As showcased by these accomplishments and many others, Mr. Davies tirelessly advocated for diversifying tennis and supporting all players, regardless of class or race, who had the potential to rise through the ranks.

Most recently, Mr. Davies has dedicated his talents to the incredibly successful New Haven Open tournament at Yale University. He has brought high- profile tournament tennis competition to the city of New Haven and helped to create an arena where athletes of all ages can be inspired to be strong, fight hard, and work to their full potential. In their own backyards, they can experience the incredible energy of skilled players who are only a few games away from the U.S. Open.

I congratulate Mr. Davies for this remarkable honor and would like to recognize the International Tennis Hall of Fame and Museum for its outstanding work in preserving the legacies of the cultural icons and motivating new generations of young athletes and entrepreneurs to strive for greatness every day.

Mr. BLUMENTHAL. Mr. President, today I wish to recognize the New Haven Lions Club as they celebrate their 90th anniversary and nearly a century of community service, civic involvement, and charitable contributions. Founded in New Haven, the State of Connecticut, and the increasingly interconnected international community.

Lions Club members are connected to the hearts and minds of local cities and towns, following the proactive philosophy: “community is what we make it.” Through their extraordinary service and generosity including weekly meetings, annual volunteer events, and fundraising the 46,000 Lions Clubs and their 1.35 million members change the world around them. Following their historic practice of activism and participation, they touch countless lives.

Founded in 1922, the New Haven Lions Club is the second oldest Lions Club in Connecticut. The members—or Lions, as they aptly call themselves—come together four times a month at the New Haven Long Wharf to plan the community outings that have become well known and anticipated events. Their impact is felt when they hand out free hot cider at the New Haven tree lighting or deliver food donations to the Connecticut Food Bank. Since its start, the club has raised more than $717,000 in charitable contributions.

Responding to a call to action by Helen Keller in 1925, one of the hallmark services offered by Lions Clubs around the world is assisting the often-marginalized blind and visually impaired communities. In 1975, the One to One Program was created in New Haven, where partnerships are formed between a blind and a seeing person. Together, these pairs attend events together throughout the year. In addition, from hearing improvements have been offered on the New Haven Green since 1998, serving as a practical resource as well as symbolic gesture that the Lions Club of New Haven is dedicated to inscribing the vision of New Haven residents, helping them to see better lives for themselves.

The Lions of New Haven also offer valuable opportunities for children and young adults in New Haven, understanding their specific needs and then aligning their resources to provide recreational fun, mentorship, or the teaching of life skills. They have partnered with local schools in New Haven throughout the years, most recently with Nathan Hale School, to sponsor Leo Clubs, which lead students to spend time volunteering and giving back to their communities. Last July, the Lions Club of New Haven offered $2,500 in scholarship funds for graduating Leos.

The New Haven Lions Club is also known for Camp Cedarcrest, 42 acres of grounds in Orange, CT, enjoyed each summer by thousands of Connecticut residents. Together, the New Haven Lions, along with four other service organizations and the New Haven Department of Parks, Recreation and Trees, provide this spot for the community to enjoy.

Even though the New Haven Lions Club has held and participated in many noteworthy events, including a Benny Goodman concert in 1958 and volunteering over 150 hours during the 1965 Special Olympics World Games held in New Haven—what makes this service club special is its members’ dedication to each other, their community, and their legacy. Since its birth, then only the second of its kind in New England, the Lions Club of New Haven has evolved and adapted while always keeping the tradition of service, companionship, and civic duty as the foundation of every step together.

I wish the Lions of New Haven all the best as they continue to listen to the pulse of the city of New Haven and represent Connecticut in the many Lions Club happenings around the world. I have the greatest confidence that steadfast progress, tender human connections, and far-reaching impact will be made by this invaluable organization over the next 90 years and more.

Mr. PORTMAN. Mr. President, today I wish to recognize the American Studio Glass Movement. The movement is celebrating its 50th anniversary this year. The American Studio Glass Movement began in Toledo, OH, as a small group of passionate artists and has grown into an international movement of artists creating one-of-a-kind art glass. I would like to congratulate the American Studio Glass Movement on 50 years of encouraging and supporting sculpture glass.

In 1962, the American Studio Glass Movement began with two glass-blowing workshops at the Toledo Art Museum. These workshops were highlighted by the inaugural implementation of the personal glass furnace. This invention made it possible for individual artists in personal studios to engage in creative glass design.

The American Studio Glass Movement has introduced the beauty and creativity of studio glass to millions of people. From June 13–16, the Glass Art Society will hold its annual conference in Toledo, OH, allowing artists, collectors, and enthusiasts from across the world to gather at the birthplace of glass art to celebrate 50 years of studio glass. Further, over 160 art museums, including nine Ohio art museums will hold exhibitions honoring the 50th anniversary of the American Studio Glass Movement.

I would like to join with the movement’s thousands of supporters and associated museums in congratulating the American Studio Glass Movement on 50 years of success.
**ADDITIONAL STATEMENTS**

**BEALE AIR FORCE BASE CHILD DEVELOPMENT CENTER**

- Mrs. BOXER. Mr. President, I ask my colleagues in this body to join me in celebrating the April 2, 2012, opening of the new Child Development Center, CDC, at Beale Air Force Base in Yuba County, CA.

I am so pleased that this facility has at long last become a reality for the families stationed at Beale, and I was proud to have fought to secure the funding required to build it.

When I visited Beale in 2004, I saw firsthand the critical need for a new CDC on base. The old CDC built in 1967 was in dire need of replacement. The aging facility was too small to accommodate eligible children and was found to contain safety hazards including asbestos and lead. The men and women serving our Nation at Beale deserve to know that their children are being cared for in a safe and nurturing environment. The new CDC will provide this peace of mind.

The Silver-LEED-Certified 37,566-square-foot facility will increase the number of children served from 175 to 280, relieving the burden on many military families who currently rely on childcare located 20 miles off base. It will have a total of 21 classrooms for children ranging from infants to pre-school age and employ 70 staff members. The new CDC is also centrally located and easily accessible from anywhere on the installation. This new CDC will go a long way to ensure we are meeting the needs of the families stationed at Beale.

As co-chair of the Senate Military Family Caucus, I know that when a servicemember wears a uniform, the entire family serves. That is why we must do everything we can to lessen their burden and provide for their needs. The CDC at Beale symbolizes America's commitment to our incredible military families and is one more way we can show our gratitude for their service.

**TRIBUTE TO LEE ANDERSON**

- Mr. CORKER. Mr. President, today I wish to honor an exceptional Tennessean and fellow Chattanoogan for his outstanding career as a newspaperman and his many contributions to our city and country.

Lee Stratton Anderson was born in Trenton, KY in 1925 to Mr. and Mrs. Herbert L. Anderson. At the age of 5, Lee moved to Chattanooga, TN, where he still resides today. In 1942, as a high school junior, Lee was hired as a reporter at the Chattanooga News-Free Press, and on April 18th of this year, he will retire from that same newspaper 70 years to the day his storied career began.

It was clear from an early age that Lee Anderson was an exceptional person dedicated to serving others and his country. In addition to becoming a journalist at 16 years old, Lee earned the distinction of Eagle Scout and was the winner of two Sons of the American Revolution Good Citizenship Awards. After high school, he enrolled in the University of Chattanooga and volunteered for the Air Force aviation cadet program, serving 21 months on Active Duty in World War II before returning to school and to the paper. He maintained a busy schedule as a college student, delivering at 5:00 a.m. to the paper each day before heading to class until 9:30 p.m. Remarkably, he graduated in 3 years while still finding time to be a leader on campus. He was president of Sigma Chi fraternity, the Blue Key Honor Society, and the Inter-fraternity Council, and chairman of the Honor Council Indoctrination Committee, all while holding a full-time job.

At the Chattanooga News-Free Press, Lee covered politics and the State legislature before being named associate editor in 1948 and then editor in 1958. It was as an associate editor that Lee began to write the editorials that would become his signature. Over 40 years later, when Walter Huxman bought the News-Free Press with then-rival the Chattanooga Times, Lee was named associate publisher and editor of the combined paper. The Chattanooga Times Free Press remains the only U.S. newspaper to offer two editorial perspectives, and, at age 87, Lee continues to plan three or four editorials for the Free Press section of the editorial page each day. His editorials have been reprinted in publications throughout the country, garnering him numerous awards, including the Freedoms Foundation's national award for editorials in 1979.

In addition to his 70-year career in the newsroom, Lee Anderson's contributions to his community, State and country have been just as impressive and valuable. He is a retired major in the U.S. Army Reserve and has served on a number of committees focused on educating the public about the Civil War. In 1957, he cofounded Confederate Press, now known as the Battles for Chattanooga Museum, an educational tourist attraction re-creating local battles and highlighting Chattanooga's role during the Civil War. He has delivered more than 2,000 speeches on a variety of topics, including religion, history, and politics, and authored two books: “Valley of the Shadow: the Battles of Chickamauga and Chattanooga, 1863” and “Israel: I looked over Jordan.”

Lee has held leadership positions in numerous civic causes and organizations, including the Chattanooga Downtown Rotary, the Chattanooga Convention and Visitors Bureau, and the local chapter of the American Red Cross, to name a few. This past year, Lee was the face of the United Way's annual campaign after almost 80 years of continuous participation with the charity, making his first contribution as a first grader. He also served Tennesseans for 4 years under my good friend, then-Governor LAMAR ALEXANDER, on the Tennessee Industrial and Agricultural Development Commission.

Lee's many achievements in life are too numerous to list here, but if you were to ask him, he would tell you after his wife, Betsy, of 62 years, two children and two grandchildren, one of his greatest accomplishments has been teaching Sunday school for over 40 years at First Presbyterian Church in Chattanooga.

Mr. President, I have known Lee Anderson for my entire adult life and have seen firsthand his love for our community and witnessed his contributions to making it a great place for our citizens to live and do business. Over his long career, Lee's views have always reflected his strongly held beliefs and deep devotion to the city and country he loves. It is an honor and a privilege to serve in the Senate on behalf of Tennesseans like Lee Anderson. I congratulate him for his remarkable dedication to the newspapers of record in Chattanooga and join with so many others in thanking him for the lasting impact he has made, which will extend for many years to come.

**FROZEN FOOD MONTH**

- Mrs. MURRAY. Mr. President, today I wish to acknowledge Frozen Food Month and to recognize the frozen food industry’s significant efforts to ensure that families and schoolchildren across the United States have access to healthy, affordable foods such as fruits and vegetables.

In our all too often hectic lives, frozen foods give Americans the flexibility to quickly prepare meals that are both nourishing and affordable.

School lunch planners also rely on frozen foods as they serve healthy, child-friendly meals while stretching limited budgets. For instance, frozen fruits and vegetables are readily available and offer outstanding nutritional value to schoolchildren year-round.

Even during these tough economic times, the frozen food industry continues to provide much needed American jobs, with almost 100,000 employees working in nearly 700 facilities nationwide.

I would like to take this opportunity to honor one of my home State’s own frozen food companies, National Frozen Food Corporation. Headquartered in Seattle, WA, National is currently celebrating its 50th year as a leader in the frozen foods industry.

National began its impressive history when a man named William McCaffrey, Sr., started selling frozen strawberries in 1912. With a $5,000 loan from a friend, Mr. McCaffrey built his small business from the ground up, and in the 1930s expanded to selling frozen vegetables as well as fruit. From Mr. McCaffrey’s humble beginnings, National has grown
to be one of our country’s premiere private-label frozen vegetable producers and employs 670 people throughout the year. Today, National Frozen Foods is committed to continued improvement through innovation within its own walls at the industry level.

I am proud to acknowledge the part that National Frozen Foods Corporation has played in our economy in Washington State, as well as the positive impact that the frozen foods industry as a whole continues to have on the United States. In celebration of Frozen Foods Month, I applaud the employees and management of National Frozen Foods Corporation, and of the entire frozen food industry, for their hard work and contributions to our country.

TRIBUTE TO DR. ANN COYNE

Mr. NELSON of Nebraska. Mr. President, today I wish to honor Dr. Ann Coyne of Lincoln, NE, who has recently been awarded the National Association of Social Workers’ Lifetime Achievement Award.

Dr. Coyne’s accomplishments are many, and she is most deserving of this prestigious award. First and foremost, she is a loving wife and mother. Dr. Coyne was married to her husband, Dermot, for nearly 45 years before his death in 2002; and they were blessed with six children: P.J., Brian, Tom, James, Cathy and Gerry. She has been a “mom” to many more by providing a safe and loving home to many Nebraskans foster children and by assisting many special needs children with international adoptions.

In addition to being a mother, Dr. Coyne has maintained a strong commitment to children throughout her professional career. She is a consultant for the Nebraska Foster Care Review Board and was a board member for Adoption Links Worldwide. She developed the dual degree between social work and public administration at the University of Nebraska-Omaha, UNO; was instrumental in renaming UNO’s School of Social Work in honor of another prestigious social worker from Nebraska, Grace Abbott; and continues to teach both undergraduate and graduate coursework to countless students in our State.

Perhaps the greatest of Dr. Coyne’s achievements is her work in Nicaragua. She fosters an ongoing relationship between the Abbott School of Social Work and the University of Nicaragua at Leon, UNAN, which has assisted 75 Nicaraguans in earning degrees in social work. She worked with the Omaha Suburban Rotary Club to found Las Chavalitos Maternal and Child Health Clinic in Managua. Additionally, Dr. Coyne partnered with a former student to develop the Asociacion de Maestras y Padres de Ninos Sordos, which now operates La Escuela de Ninos Sordos, a primary day school for deaf children.

I, and all Nebraskans, have benefitted from Dr. Ann Coyne’s accomplishments as a teacher, educator, and advocate for children. We are proud that the National Association of Social Workers has bestowed upon her its Lifetime Achievement Award. And we are also proud that the enormous impact of her life work continues to benefit the children of Nebraska, the United States of America, and the world.

TRIBUTE TO CESAR ESTRADA CHAVEZ

Mr. UDALL of Colorado. Mr. President, today I wish to recognize Cesar Estrada Chavez, a man whose leadership and nonviolent crusade for justice changed millions of lives throughout America. Cesar Chavez helped give all of us a chance at a better future.

On March 31, 2012, we will celebrate Cesar Chavez Day to commemorate his life and to remember that the actions of one person can empower an entire community to fight for equal treatment and civil rights.

Cesar Estrada Chavez was born on March 31, 1927, near Yuma, AZ, to a family of farm workers. When his father was unable to work, Chavez joined the millions of people who worked in the fields to provide for their families and was inspired to do something to help his community. Daily, he saw and felt the farm workers’ suffering. Working conditions on the farms were extremely dangerous and compensation was poor. Chavez taught migrant farm workers across the West that the life they deserved was very different from the one they had been living. He knew the farm workers’ struggles intimately and used that knowledge as motivation to help the entire community find the tools it needed to overcome those struggles. Change initially took root in California, spreading to the rest of the Western United States. Colorado’s heritage is richer because of his influence and his legacy.

Chavez’s message reached Colorado’s Hispanic community during the days of the civil rights movement. Chavez led advocacy efforts to empower people across Colorado, bringing about improved living and working conditions for Colorado’s farm workers. Additionally, his teachings inspired many Coloradoans to join teaching farm workers, students, and veterans the importance of equality, justice, and empowerment. A Coloradoan who became one of these leaders was Rodolfo “Corky” Gonzales, who would become a voice for the voiceless and a masterful poet and teacher in Colorado’s Hispanic community.

Cesar Chavez’s and Rodolfo Gonzales’s selflessness, patience, and commitment mobilized Latinos and non-Latinos in Colorado and across America to fight for justice and civil rights. Chavez is especially remarkable because he truly embodied his own teachings. Throughout his life, he turned down many prestigious job offers and opportunities, choosing to work long hours in the fields side by side with migrant workers. Chavez gave a human face to agriculture. He taught many across the country that the grapes, onions, tomatoes, or other foods they purchased at the grocery store were part of a much larger story. Moreover, he believed that the world’s real wealth lies in the act of helping others. It is this belief that sustained him in the face of long odds.

In a speech inspired by the non-violent messages of Dr. Martin Luther King, Jr., and Mahatma Gandhi, Cesar Chavez said, “You cannot educe the person who has learned to read. You cannot humiliate the person who feels pride. And you cannot oppress the people who are not afraid anymore.” Chavez’s life and legacy has taught millions of people far more than just pride and bravery. He inspires all of us to fight for a better future for the world, for ourselves and for our neighbors. Cesar Chavez is a role model for Coloradans and for all Americans.

On March 31, Coloradans across the State will come together to give back to the community and to speak on behalf of them and on behalf of all Americans fighting to give their children and the people in their communities a better life, regardless of their background or color of skin. Together, we honor those who are continuing Cesar Chavez’s fight for justice and celebrate the remarkable influence of his vision.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House, delivered by Mr. Novotny, one of his reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes. H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements that put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act. H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.
At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2038. An act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefits, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOuye).

At 3:53 p.m., a message from the House of Representatives, delivered by Mrs. Cox credit for its reading clerks, announced that the House agrees to the amendment of the Senate to 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.

The message also announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5) to improve patient care and reduce health care costs and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

MEASURES PLACED ON THE CALENDAR

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2682. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 2779. An act to extend bonus depreciation for an additional year, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5475. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report on the Farm Credit Administration’s 2012 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5476. A communication from the Chief Information Officer, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Emergency Plan for U.S. Dairy Loss” (“Fee Schedule” (RINR618–AA04) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5477. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Conservation Loan Program” (RINR650–A104) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5478. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of the approved retirement of Lieutenant General John C. Kozioł, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5479. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of the approved retirement of Lieutenant General Frank G. Helmick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5480. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air Force Reserve to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–5481. A communication from the Public Information Division of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled “Privacy Act and Freedom of Information Act Procedures” (RINR3460–AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC–5482. A communication from the Public Information Manager, Office of Privacy, Records and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled “Requests for Testimony or a Court Protection Letter; and Other Proceedings in which the United States is not a Party” (RINR3460–AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC–5483. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Air Quality Change” (RIN9038–AQ62) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5484. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Emission Emission Control Measures for Chlorine, Chlorox, and St. Louis Ozone Nonattainment Areas” (FRL No. 9633–4) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5485. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Delaware, Maryland, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 8-Hour Ozone Standard for the Philadelphia-Wilmington-Atlantic City Nonattainment Area” (FRL No. 9652–6) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5486. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Regional Haze State Implementation Plan” (FRL No. 9651–7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5487. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Alabama; Regional Haze State Implementation Plan” (FRL No. 9633–4) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5488. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; California; Air Resources Board” (FRL No. 9632–3) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5489. A communication from the Correspondence and Regulations Assistant, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Emergency Planning and Notification; Emergency Planning and List of Extremely Hazardous Substances and Threshold Planning Quantities” (FRL No. 9651–1) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5490. A communication from the Correspondence and Regulations Assistant, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medical Program; Eligibility Changes under the Affordable Care Act of 2010” (RIN9038–AQ62) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Environment and Public Works.

EC–5491. A communication from the Correspondence and Regulations Assistant, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Student Health Insurance Program” (RIN9038–AQ61) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.
EXEC-5492. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—Correction to Rev. Rul. 2012-9” (Rev. Rul. 2012-12) received in the Office of the President on March 21, 2012; to the Committee on Finance.

EXEC-5493. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—April 2012” (Rev. Rul. 2012-11) received in the Office of the President on March 20, 2012; to the Committee on Finance.

EXEC-5494. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled “Report to the Congress: Medicare Payment Policy”; to the Committee on Finance.

EXEC-5495. A communication from the Assistant Legal Adviser for Consular Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements related to any agreements, other than treaties (List 2012-0028—2012-0034); to the Committee on Foreign Relations.

EXEC-5496. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Patient Protection and Affordable Care Act; Standards Related to Reinsurance, Risk Corridors and Risk Adjustment”, (FR 87-5877) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Health, Education, Labor and Pensions.

EXEC-5497. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “District of Columbia Agencies’ Compliance with Small Business Enterprise Expenditure Goals for the 1st, 2nd, and 3rd Quarters of Fiscal Year 2011”; to the Committee on Homeland Security and Governmental Affairs.

EXEC-5498. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EXEC-5499. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nevada Advisory Committee; to the Committee on the Judiciary.

EXEC-5500. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled “Report of the Proceedings of the Conference of the United States” for the September 2011 session; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Gina K. Abercrombie-Winstanley, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Gina Abercrombie-Winstanley.

Post: Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and done:
1. Self: $0.
3. Daughter: Kara Winstanley, none.
4. Son: Adam Winstanley, none.
5. Parents: both deceased.

*Julissa Reynoso, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Julissa Reynoso.

Post: Montevideo, Uruguay.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and done:
2. Spouse: n/a.
3. Children and Spouses: Julio Cesar Reynoso (single), none.
6. Brothers and Spouses: Julio Cesar Reynoso: None.
7. Sisters and Spouses: Jessica Adelina Reynoso: (single) none; Osmaris Valorci: (single) none.

*William E. Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.


Post: Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and done:
3. Children and Spouses: Kristopher White, None; Patrick White, None.
4. Parents: Muriel and Richard Murphy, None.
5. Grandparents: Deceased.

*John Christopher Stevens, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Libya.

Nominee: John C. Stevens.

Post: Tripoli.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and done:
1. Self: None.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Jan Stevens, $150.00, Obama Cmpgn. Carole Cory Stevens, None; Mary Commanday, None; Robert Commanday, None.
5. Grandparents: N/A.
6. Brothers and Spouses: Thomas Stevens, None; Dana Lung, None.
7. Sisters and Spouses: Anne Stevens, $800, 2008, Emily’s List. Peter Sullivan, None; Hillary Stevens, None.

*Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Nominee: Tracey Ann Jacobson.

Post: Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
CONGRESSIONAL RECORD — SENATE

March 27, 2012

S2085

Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate. (Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:
S. 2238. A bill to amend the Commodity Exchange Act to require a regulation to limit the aggregate positions of nontraditional bona fide hedgers in petroleum and related products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. BLUMENTHAL, and Ms. KLOBUCHER):
S. 2239. A bill to amend the Securities and Exchange Code of 1934 to extend the allowance for bonuses depreciation for certain business assets; to the Committee on Finance.

The following concurrent resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. BLUMENTHAL, Mr. BROWN of Ohio, and Mr. ROBERTS):
S. 2240. A bill to amend the Internal Revenue Code of 1986 to extend the allowance for bonus depreciation for certain business assets; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BREICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, and Mr. WHITEHOUSE):
S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans’ Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. ROBERTS):
S. Res. 407. A resolution expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing; considered and agreed to.

ADDITIONAL COSPONSORS

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Missouri
At the request of Mrs. McCaskill and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

At the request of Mr. Tester, the name of the Senator from Ohio (Mr. Portman) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

At the request of Mr. Moran, the name of the Senator from Nevada (Mr. Heller) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

At the request of Mr. Leahy, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor 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.

At the request of Mr. Enzi, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

At the request of Mr. Portman, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

At the request of Mrs. Gillibrand, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

At the request of Mrs. Gillibrand, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumption relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

At the request of Mr. Leahy, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers’ Benefits Program.

At the request of Mr. Tester, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for leverage among the beneficiaries travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes.

At the request of Mr. Baucus, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1774, a bill 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, and for other purposes.

At the request of Mr. Durbin, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

At the request of Mr. Reed, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

At the request of Mr. Begich, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 2112, a bill to amend 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.

At the request of Mrs. Hagan, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 2113, a bill to empower the Food and Drug Administration to ensure a clear and effective pathway that will encourage innovative products to benefit patients and improve public health.

At the request of Ms. Murkowski, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

At the request of Mr. Blumenthal, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2131, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

At the request of Mrs. McCaskill, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 2139, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

At the request of Mr. Brown of Ohio, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 2140, a bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes.

At the request of Mr. Inhofe, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

At the request of Mr. Leahy, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

At the request of Mrs. Boxer, the name of the Senator from Florida (Mr. Rubio) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

At the request of Mr. Menendez, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

At the request of Mr. Moran, the name of the Senator from Arkansas (Mr. Boozman) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

At the request of Mr. Thune, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

At the request of Mr. Thune, the name of the Senator from New Hampshire (Mrs. Sharrer) was added as a cosponsor of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor
At the request of Mr. SANDERS, the names of the Senator from Montana (Mr. TESTER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2226, a bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States.

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2232, a bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and for other purposes.

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2233, a bill to amend the Immigration and Nationality Act as cosponsors of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

At the request of Mr. GRAHAM, the names of the Senator from Oklahoma (Mr. COFFIN) was added as a cosponsor of S. 2241, a bill to permit the Secretary to enter into joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 344, a resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 355, a resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012.

At the request of Mr. COONS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

At the request of Mr. COONS, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. HELLER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. Res. 402, a resolution condemning Joseph Kony and the Lord’s Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord’s Resistance Army commanders from the battlefield.

At the request of Mr. SANDERS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1952 to S. 2204, a bill to require the Commodity Futures Trading Commission to make available to the public a list of the names and addresses of futures commission merchants, commodity trading advisors, commodity pool operators, and other persons and entities that are registered or required to be registered under the Commodity Exchange Act.

At the request of Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, and Mr. WHITEHOUSE), S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans’ Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans’ Affairs, I am proud to introduce the GI Bill Consumer Awareness Act of 2012. My colleagues, including my fellow Veterans’ Affairs Committee Members Senators AKAKA, BEGICH, BROWN of Ohio and ROCKEFELLER, and my Senate colleagues Senators COONS, HARKIN, INOUYE, LEAHY, and WHITEHOUSE, join me in introducing this important legislation. I appreciate their continued support of our Nation’s veterans.

With the end of the war in Iraq and the drawdown in Afghanistan, more servicemembers are separating from the military to start their civilian careers. While a full transition home from war, the GI Bill helped him go to college. He used that education to get a job, one that gave him pride. That’s the opportunity we must provide those returning from today’s wars.

America’s investment in its newest generation of veterans is tremendous. In 2012, over 590,000 servicemembers, veterans, and their families are expected to enroll in educational institutions using the Post-9/11 GI Bill. VA is expected to spend over $9 billion dollars in 2012 on Post-9/11 GI Bill payments and over $2 billion for the nearly 40,000 beneficiaries of the VA’s other education programs. Despite this level of support, those returning from today’s wars are unable to use VA educational benefits to fulfill their potential. Today, that changes.

If its benefits are to be fully realized, the GI Bill Consumer Awareness Act would take significant steps to make certain that GI Bill beneficiaries have access to information to help them make informed decisions about the educational institutions they will attend. This would also require VA and DoD to develop a joint policy to curb aggressive recruiting and misleading marketing aimed at servicemembers and veterans so they can make a decision on a school without bad actors exerting unfair influence on them.

Many servicemembers and veterans attend educational institutions that do not suit their intended goals. This shouldn’t be the case. Servicemembers and veterans should enroll in educational institutions which put them on the path to a successful career, or allow them to access more post-secondary education. For many years we have provided VA educational beneficiaries with billions of dollars in educational assistance, but have given them little to no assistance in deciding where to use these benefits. This bill would provide GI Bill beneficiaries the opportunity we must provide those returning from today’s wars.
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. 2241

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 “GI Bill Consumer Awareness Act of 2012”.

SEC. 2. PUBLICATION BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE OF INFORMATION ABOUT EDUCATIONAL INSTITUTIONS.

(a) PUBLICATION BY SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section: 8

(1) Short title.

(2) Publication by Secretary of Veterans Affairs and Secretary of Defense of Information About Educational Institutions.

(3) Authorization of Appropriations.

(4) Effective Date.

(b) EFFECTIVE DATE.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

SEC. 4. EFFECTIVE DATE.

SEC. 5. CONCLUSION.
“(II) to take an examination that is generally required to obtain such licensing or certification; or

“(III) to meet such other preconditions as may be necessary for employment in such occupation in such State.

“(vi) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such license or certification.

“(vii) The rates of job placement of students who complete a program of education generally requiring student loan debt.

“(viii) The mean of the wages the students described in clause (vii) receive from their first positions of employment obtained after completing the program of education.

“(ix) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the program of education.

“(I) An explanation of the following:

“(i) The academic credits awarded by the educational institution that are transferable to public educational institutions in the State in which the educational institution is located.

“(ii) Any articulation agreements the educational institution may have with any other educational institutions.

“(iii) How the educational institution may or may not accept academic credit awarded by another educational institution, including whether the educational institution accepts the transfer of academic credits from the following:


“(3) The Community College of the Air Force.

“(4) The United States Coast Guard Institute.

“(J) The average tuition and fees for all programs of education at the educational institution leading to a baccalaureate degree or lesser degree, license, or certificate and the average fees charged by public educational institutions for similar programs of education, disaggregated by State.

“(K) The median amount of debt from Federal student aid programs and the proportion of students who are receiving assistance under this title and chapters 106A and 1606 of title 38, United States Code, as added by section 3897B of title 38, United States Code, as added by subsection (a)(1).

“(L) A description of the benefits and assistance veterans described in subparagraph (K) may be entitled to under the laws of the State or States in which the veterans receive instruction from the educational institution.

“(Q) A description of the educational institution’s participation, if any, in the Yellow Ribbon G.I. Education Enhancement Program established under section 331(a) of this title.

“(R) A description of the educational institution’s participation, if any, in the MyCAA program of the Department of Defense for pursuit of such program of education, the following:

“(i) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrollment are not enrolled in any program of education at the educational institution.

“(ii) The percentage of students who transfer from one program of education offered by the educational institution to another program of education offered by the educational institution.

“(iii) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation for programs if such rates are available for such other programs.

“(S) The mean of the wages the students described in clause (iii) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

“(T) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

“(V) For each program of education offered by the educational institution, the following:

“(I) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally results in one individual—

“(aa) to obtain such licensing or certification;

“(bb) to take an examination that is generally required to obtain such licensing or certification; or

“(cc) to meet such other preconditions as may be necessary for employment in such occupation in such State.

“(II) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State where the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

“(III) The rates of job placement of students who complete the program of education for programs of education that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

“(IV) The mean of the wages the students described in clause (iii) receive from their first positions of employment obtained after completing the program of education.

“(VII) An explanation of the following:

“(i) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrollment are not enrolled in any program of education at the educational institution.

“(ii) The percentage of students who transfer from one program of education offered by the educational institution to another program of education offered by the educational institution.

“(iii) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation for programs if such rates are available for such other programs.
State in which the educational institution is located.

(II) Any articulation agreements the educational institution may have with any other educational institutions.

(III) How the educational institution may or may not accept academic credit awarded by another educational institution.

(vi) A description of any program or course of education that the educational institution is a public, private nonprofit, or private profit institution.

(ix) If the educational institution is accredited, whether the educational institution has received disciplinary complaints from the accrediting agency that awarded such accreditation and the adjudication status of such complaints.

SEC. 3. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT TO VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL REQUIREMENTS UNDER TITLE 38.

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

`83679A. Additional requirements

(a) AFFIRMATIVE REQUIREMENTS.—A course of education of an educational institution, named under this chapter, shall not be approved under this chapter unless the educational institution carries out the following:

(1) Compiling and disclosing to the Secretary, in an information as the Secretary may require to carry out section 3697B of this title to the extent that such information is available to the educational institution.

(2) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, providing academic advising and support services to veterans, including remediation, tutoring, and employment counseling services, referral to centers for readjustment counseling and related mental health services for veterans under section 1712A of this title (known as 'vet centers').

(3) Ensuring that appropriate employees of the educational institution are trained and qualified to handle assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10.

(4) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, such educational institution shall—

(A) assist such veterans in adjusting to student life at the educational institution; or

(B) provide referrals to groups or organizations that provide such assistance.

(5) By redesignating subsections (a) and (b) as paragraphs (2) and (3), respectively; (c) by inserting "and 3696" after "and 3696, and 3697B", and (d) by striking "subchapter III of chapter 36 of title 38" and inserting "subchapter I of chapter 36 of title 38" after "subchapter I of chapter 36 of title 38".

(b) MEMORANDUMS OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND EDUCATIONAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter 106A of title 10, United States Code, is amended by adding at the end the following new section:

`82149A. Memorandums of understanding with educational institutions.

(a) IN GENERAL.—The Secretary shall seek to enter into a memorandum of understanding, not later than one year after the date of the enactment of this Act, with each educational institution that is to offer educational benefits to individuals enrolled in a program of education for which the individual receives assistance under this chapter.

(b) ELEMENTS.—Each memorandum of understanding entered into under subsection (a) shall require the educational institution to—

(1) survey veterans and members of the Armed Forces for purposes of recruiting students for the educational institution if the educational institution has not entered into a memorandum of understanding with the Secretary under such subsection.

(c) BAN ON RECRUITING ON MILITARY INSTALLATIONS.—No individual who represents an educational institution described in subsection (a) may enter a military facility of the United States for purposes of recruiting students for the educational institution.

(d) The Secretary shall not approve a course of education under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10, if the educational institution uses induce­ments or provides any gratuity, favor, discount, entertainment, hospitality loan, transportation, lodging, meals, or other item or service of a monetary value of more than a de minimis amount to veterans or members of the Armed Forces (other than salaries paid to employees or fees paid to contractors in conformity with any applicable provisions of law) for the purpose of securing enrollments.''.

(c) WORKING GROUP.—

(1) IN GENERAL.—Chapter 36 of such title is amended by inserting after section 3692 the following new section:

`83692A. Working group

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of the GI Bill Consumer Protection Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly, in consulta­tion with the Secretary of Education, establish a working group to—

(i) coordinate consumer protection efforts of the Department of Veterans Affairs and the Department of Defense with respect to educational institutions.

(ii) develop policies related to secondary education marketing and recruitment of veterans and members of the Armed Forces.

(iii) make recommendations to the Assistant Attorney General for Civil Rights, the Director of the Consumer Financial Protection Bureau, and the Federal Trade Commission to prevent any individual or group from using advertising campaigns targeted towards veterans and members of the Armed Forces.

(iv) monitor the overall postsecondary education market for developments that affect veterans and members of the Armed Forces.

(v) CONSULTATION.—In carrying out its duties under this section, the working group shall consult with appropriate Federal agencies (including the Department of Education and the Consumer Federal Protection Bureau, consumer protection groups, veterans service organizations, military service organizations, representatives of educational institutions, and representatives of such other groups or organizations as the Secretaries consider appropriate).

(vi) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 1) shall not apply to the working group established under subsection (a).

(vii) VETERANS SERVICE ORGANIZATION REPRESENTATIONAL RIGHTS.—In this section, the term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5802 of this title.''.

(d) IN GENERAL.—The table of sections at the beginning of chapter 36 of
such title is amended by inserting after the item relating to section 3692 the following new item:

"3692A. Working group.
(1) The Secretary shall, not later than 180 days after the date of the enactment of this Act, the working group established under section 3692A of such title, as added by paragraph (1), shall submit to Congress a report on the activities of the working group under such section, including the following:

(A) The findings of the working group.
(B) The actions taken by the working group.
(C) The policies developed by the working group.

(2) Recommendations for such legislative and regulatory action as may be necessary to coordinate as described in paragraph (1) of section 3692A(a) of such title and develop policies as described in paragraph (2) of such section.

SEC. 5. ASSESSMENT OF QUALITY AND DELIVERY OF CAREER INFORMATION AND COUNSELING TO MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor and the Secretary of Education, assess the quality and delivery of career information and counseling provided to members of the Armed Forces and veterans enrolled in or (planning to enroll in) programs of education with assistance under chapter 369A or 369B of title 38, United States Code. Such assessment shall address, at minimum, the following:

(1) Whether such information and counseling is relevant to the labor-markets in which such members or veterans plan to re-enter or develop skills.

(b) Assessments Provided to Members of the Armed Forces and Veterans.

(1) The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, identify the education and credentials of such labor-markets.

(2) Whether such information and counseling identifies careers that are available in-demand occupations and industries in such labor-markets.

(c) Whether such information and counseling identifies the education and credentials required for such careers.

(d) Assessments Provided to Members of the Armed Forces and Veterans as Part of Such Counseling.

(1) Whether assessments provided to such members and veterans as part of such counseling of the skills and credentials of such members and veterans match such skills and credentials with the skills and credentials required for jobs in the civilian workforce.

(2) Whether the assessments described in paragraph (4) identify the additional skills or credentials members and veterans described in such paragraph may need for employment in jobs in the civilian workforce.

(3) Whether such information and counseling identifies the education and credentials required for such careers.

(4) Whether assessments provided to such members and veterans as part of such counseling of the skills and credentials of such members and veterans match such skills and credentials with the skills and credentials required for jobs in the civilian workforce.

(5) Whether assessments described in paragraph (4) identify the additional skills or credentials members and veterans described in such paragraph may need for employment in jobs in the civilian workforce.

(6) Whether such information identifies the education and training programs that provide the skills necessary for such careers in such labor-markets.

(7) Whether such information is provided in a timely manner.

(b) COLLABORATION WITH THE ONE-STOP DELIVERY SYSTEM AND TRANSITION ASSISTANCE PROGRAMS.—In carrying out subsection (a), the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, determine how programs that provide education and career counseling services to members of the Armed Forces and veterans under laws administered by the Secretary of Defense and the Secretary of Veterans Affairs shall:

(1) collaborate and improve information sharing with one-stop delivery systems established under section 2453(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), including collaboration through electronic means, to provide the information described in subsection (a) to the members of the Armed Forces to help them successfully enter, persist in, and complete education.

(2) coordinate with—

(A) each other;

(B) the Transition Assistance Program (TAP) of the Department of Defense;

(C) the services provided under sections 112, 112a, and 1144 of title 10, United States Code;

(D) the programs established under section 258(b) of the VOW to Hire Heroes Act of 2011 (Public Law 112–56; 38 U.S.C. 2414 note); and

(E) the demonstration project established under section 4114 of title 38, United States Code.

(c) REPORT.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the assessment completed under subsection (a), including recommendations for such legislative, regulatory, and administrative action as the Secretaries consider necessary to improve the provision of career information relevant to programs of education pursued by members of the Armed Forces and veterans to such members and veterans.

(2) Approaches of Congress.—In this subsection, the term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Education and the Workforce of the House of Representatives.

SEC. 6. EXPANSION OF ELIGIBILITY FOR EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697A(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(2) serving on active duty in any State with the Armed Forces and has served in the Armed Forces on active duty for not fewer than 180 days.''

SEC. 7. SUBMITTAL OF COMPLAINTS REGARDING PROGRAMS OF EDUCATION AND ASSISTANCE.

(a) In General.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3695 a new section:

"3695A. Complaint process

"(a) SUBMITTAL OF COMPLAINTS.—The Secretary shall establish procedures for submittal to the Secretary of complaints by a student of the Secretary’s programs of education with assistance under this chapter, any of chapters 36 of title 38, or any programs of education under such assistance.

(b) DATABASE.—The Secretary shall establish a database to store complaints submitted under subsection (a) to enable the Secretary—

(1) to improve the provision of assistance under this chapter and chapters 30 through 33 of this title;

(2) to improve the provision of education and vocational counseling under section 3697A of this title; and

(3) to identify problems with the programs of education or assistance described in section 3697A of this title that warrant further investigation by the Secretary.''

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

"3693A. Complaint process.''

SEC. 8. COLLECTION AND DISSEMINATION OF BEST PRACTICES FOR PROVISION BY EDUCATIONAL INSTITUTIONS OF ASSISTANCE TO STUDENTS WHO ARE VETERANS OR MEMBERS OF THE ARMED FORCES.

(a) In General.—Not later than one year after the date of the enactment of this Act and two and four years thereafter, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Education and the Secretary of Defense, collect and disseminate information about best practices for the provision of educational assistance to students who are members of the Armed Forces to help them successfully enter, persist in, and complete education.

(b) CONSULTATION WITH VETERANS SERVICE ORGANIZATIONS.—In carrying out subsection (a), the Secretary shall consult with veteran service organizations and educational institutions.

SEC. 9. REPEAL OF LIMITATION ON PAYMENTS FOR CONSENT TO ASSISTANCE TO STUDENTS WHO ARE VETERANS OR MEMBERS OF THE ARMED FORCES.

Section 3697 of title 38, United States Code, is amended by adding at the end the following new section:

"(a) Subversive to the interests of the national security of the United States.

(b) For each educational institution listed in subsection (a), the Secretary shall submit to Congress a report on the period covered by the report:

(1) A list of all educational institutions at which an individual was enrolled during the period covered by the report.

(2) The number of individual education assistance programs under law administered by the Secretary of Veterans Affairs administered by such educational institution.

(3) Whether such educational institution has an agreement with the Secretary of Veterans Affairs that requires that the educational institution report any violations of the terms of such agreement to the Secretary.

SEC. 10. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3681 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) Designated Points of Contact for School Certifying Officials.

(1) The Secretary of Veterans Affairs shall designate a point of contact at each educational institution of the Armed Forces and veterans under laws administered by the Secretary of Veterans Affairs to help them successfully enter, persist in, and complete education.

(2) The Secretary shall consult with veteran service organizations and educational institutions.

SEC. 11. REPORT ON NUMBERS AND PERCENTAGES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS ADMINISTERED TO STUDENTS WHO ARE VETERANS OR MEMBERS OF THE ARMED FORCES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Congress of the United States of America, the House of Representatives, and the Senate of the United States a report on the numbers and percentages of educational assistance under laws administered by the Secretary of Veterans Affairs during the last academic year ending before the submission of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following, for the period covered by the report:

(1) A list of all educational institutions at which an individual is enrolled in a program of education for which the individual receives assistance under a law administered by the Secretary of Veterans Affairs.

(2) For each educational institution listed under paragraph (1), the number of individuals who receive assistance under a law administered by the Secretary of Veterans Affairs to pursue a program of education at the educational institution.
SEC. 12. PERFORMANCE METRICS FOR DEPARTMENT OF DEFENSE EDUCATION AND WORKFORCE TRAINING PROGRAMS.

(a) ESTABLISHMENT OF METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education and the Secretary of Labor, establish metrics for tracking the successful completion of education and workforce training programs carried out under laws administered by the Secretary of Defense.

(b) REPORT ON METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the metrics established under subsection (a), including a description of each such metric.

(c) ANNUAL ASSESSMENT.—Not later than one year after the date of the enactment of this Act and each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress an assessment of the education and workforce training programs described in subsection (a) using the metrics established under such subsection.

(d) COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

1. the Committee on Armed Services and the Committee on Appropriations of the Senate; and

2. the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

SEC. 13. PRIVACY.

(a) ESTABLISHMENT OF METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education and the Secretary of Labor, establish metrics for tracking the successful completion of education and workforce training programs carried out under laws administered by the Secretary of Defense.

(b) REPORT ON METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the metrics established under subsection (a), including a description of each such metric.

(c) ANNUAL ASSESSMENT.—Not later than one year after the date of the enactment of this Act and each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress an assessment of the education and workforce training programs described in subsection (a) using the metrics established under such subsection.

(d) COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

1. the Committee on Armed Services and the Committee on Appropriations of the Senate; and

2. the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

SEC. 14. DEFINITIONS.

In this Act:

(1) EDUCATIONAL INSTITUTION AND PROGRAM OF EDUCATION.—The terms “educational institution” and “program of education” have the meanings given those terms in section 3501 of title 38, United States Code.

(2) VETERANS SERVICE ORGANIZATION.—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of such title.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—EXpressing the Sense of the Senate That Executives of the Bankrupt Firm MF Global Should Not Be Rewarded with Bonuses While Customer Money Is Still Missing

Ms. STABENOW (for herself and Mr. ROBERTS) submitted the following report:

WHEREAS on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as $900,000,000 in customer money had gone missing;

WHEREAS MF Global Holdings, Ltd., is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

WHEREAS following the bankruptcy filing, Judge Louise Freeh, the court-appointed trustee for MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and the other employees;

WHEREAS according to the court-appointed trustee for the liquidation of MF Global, Inc., under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as $1,600,000,000;

WHEREAS on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

WHEREAS on March 16, 2012, Mr. Freeh responded to the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives;

WHEREAS the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc., under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

WHEREAS of the date of agreement to this resolution, congressional investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, Resolved,

That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers’ segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1965. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1966. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1969. Mr. REID proposed an amendment to the amendment SA 1968 proposed by Mr. REID to the bill S. 2204, supra.

SA 1970. Mr. REID proposed an amendment to the amendment SA 1968 proposed by Mr. REID to the bill S. 2204, supra.

SA 1971. Mr. REID proposed an amendment to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1972. Mr. REID proposed an amendment to the amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 1976. Mr. MURkowski (for herself, Mr. VITTER, Mr. BACHUS, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.
TEXT OF AMENDMENTS

SA 1957. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

**TITLE III—MISCELLANEOUS**

**SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) PETROLEUM PRODUCT.—The term “petroleum product” means any of the following:

(A) Finished reformulated or conventional motor gasoline.

(B) Finished aviation gasoline.

(C) Kerosene-type jet fuel.

(D) Kerosene.

(E) Distillate fuel oil.

(F) Residual fuel oil.

(G) Lubricants.

(H) Waxes.

(1) Petroleum coke.

(J) Asphalt and road oil.

(2) PUBLIC LAND.—The term “public land,” as used in this title, means any land owned by the United States within the United States that is subject to the jurisdiction of the Secretary of the Interior, as defined in section 2 of the act of February 26, 1976 (43 U.S.C. 1351).

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(b) BAR.—Notwithstanding any other provision of law, petroleum extracted from public land in the United States (including land located on the outer Continental Shelf), or a petroleum product produced from the petroleum, may not be exported from the United States.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

**TITLE III—Diligent Development of Federal Oil and Gas Leases**

**SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.**

(a) CLARIFICATION OF EXISTING LAW.—Each lease that authorizes the exploration for or production of oil or natural gas under a provision of law described in subsection (b) shall be diligently developed by the person holding the lease in order to ensure timely production from the lease.

(b) OUTER CONTINENTAL SHELF OIL AND GAS LEASES.—In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary shall require the lessee to develop the lease with the following:

(1) by striking “(d) No bid” and inserting the following:

“(d) DUE DILIGENCE.—

“(1) IN GENERAL.—No bid;” and

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

“(2) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this paragraph, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.”; and

**SEC. 304. REGULATIONS.**

In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that—

(1) set forth requirements and benchmarks for oil and gas development that will ensure that leaseholders—

(A) diligently develop each lease; and

(B) to the maximum extent practicable, produce oil and gas from each lease during the primary term of the lease;

(2) require each leaseholder to submit to the Secretary a diligent development plan describing how the lessee will meet the benchmarks;

(3) in establishing requirements under paragraphs (1) and (2), take into account the different geophysical, geological, and topographic circumstances in the areas to be developed; and

(4) implement the fee requirements established by the amendments made by section 303.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE IV—Western Energy Development**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “American Energy and Western Jobs Act.”

**SEC. 402. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.**

The following are rescinded and shall have no force or effect:


(3) Secretarial Order No. 3210 issued by the Secretary of the Interior on December 22, 2010.

**SEC. 403. AMENDMENTS TO THE MINERAL LEASING ACT.**

(a) ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 125(b)(1)(A)) is amended by adding after the seventh sentence, by striking “Leases shall be issued within 60 days following payment of the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year”, and inserting “The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. In the filling of any application for the sale or issuance of a lease shall not extend the date by which the lease is to be issued.”
SEC. 404. ANNUAL REPORT ON REVENUES GENERATED FROM MULTIPLE USE OF PUBLIC LAND.

(a) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the Congress an annual report on the multiple use management of public land, including a certification that the multiple use management policy will not result in a detrimental impact on the quality of the human environment, as defined in section 305 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) and the terms of oil and natural gas leases on Federal land that have been issued or are currently pending.

(b) CONTENTS.—The report shall—

(1) describe the multiple use management policy; and

(2) analyze each proposed policy modification that would affect the quality of the human environment.

SEC. 405. FEDERAL ONSHORE OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—The Secretary of the Interior shall establish a goal for the production of oil and natural gas on Federal land that is consistent with the multiple use management policy and the multiple use management goals set forth in this title.

(b) REQUIREMENTS.—In establishing the goal under subsection (a), the Secretary shall—

(1) ensure that the United States maintains or increases production of Federal onshore oil and natural gas; and

(2) ensure that the 10-year average annual production of oil and natural gas on Federal land is at least equal to the average annual production of oil and natural gas on Federal land for the period of time ending on the date of enactment of this Act.

(c) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Secretary shall—

(1) carry out a determination of the impact of any proposed policy modification that would affect the quality of the human environment; and

(2) provide notice to the public of, and an opportunity to comment on, the proposed policy modification.

(d) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Secretary shall—

(1) carry out a determination of the impact of any proposed policy modification that would affect the quality of the human environment; and

(2) provide notice to the public of, and an opportunity to comment on, the proposed policy modification.
accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental impact statement under subsection (a), shall publish for public review a notice of intent in accordance with the regulations of the agency.

(3) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action is covered by the existing statement and the proposed action is substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting final the environmental impact statement of another agency that did not recirculate the statement as a draft statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency adopting as final the environmental impact statement of a lead agency shall recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(i) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting final the environmental impact statement of another agency that did not recirculate the statement as a draft statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(4) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action is covered by the existing statement and the proposed action is substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting final the environmental impact statement of another agency that did not recirculate the statement as a draft statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency adopting as final the environmental impact statement of a lead agency shall recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

"Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2294, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation: which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION I—SHORT TITLE AND TABLES OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Gas Price Relief Act of 2012”.

(b) Table of Contents.—The table of contents of this Act as follows:

<table>
<thead>
<tr>
<th>Title I—Consumer Gas Price Relief</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 101. Reduction of fuel taxes on highway motor fuels.</td>
</tr>
<tr>
<td>Sec. 102. Lease sales.</td>
</tr>
<tr>
<td>Sec. 103. Coastal Impact assistance program amendments.</td>
</tr>
<tr>
<td>Sec. 104. Seaward boundaries of States.</td>
</tr>
</tbody>
</table>

Title II—Increasing Domestic Transportation Fuel Production

Subtitle A—Outer Continental Shelf Leasing

Sec. 201. Leasing program considered approved.

Sec. 202. Lease sales.

Sec. 203. Coastal Impact assistance program amendments.

Sec. 204. Seaward boundaries of States.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 211. Definitions.

Sec. 212. Leasing program for land within the Coastal Plain.

Sec. 213. Lease sales.

Sec. 214. Grant of leases by the Secretary.

Sec. 215. Leasing program conditions.

Sec. 216. Coastal plain environmental protection.

Sec. 217. Expedited judicial review.

Sec. 218. Federal and State distribution of revenues.

Sec. 219. Rights-of-way across the Coastal plain.

Sec. 220. Conveyance.

Sec. 221. Local government impact aid and community service assistance.

Subtitle C—Approval of Keystone XL Pipeline Project

Sec. 231. Approval of Keystone XL pipeline project.

Title III—Closing loopholes to fund consumer relief at the pump

Sec. 301. Modifications of foreign tax credits rules applicable to major integrated oil companies which are dual capacity taxpayers.

Sec. 302. Limitation on deduction attributable to oil, natural gas, or primary products thereof.

Sec. 303. Limitation on deduction for intangible drilling and development costs.

Sec. 304. Transfer of revenues to Highway Trust Fund.

Title IV—Budgetary Effects

Sec. 401. Deficit Reduction.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2294, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation: which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION I—SHORT TITLE AND TABLES OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Gas Price Relief Act of 2012”.

(b) Table of Contents.—The table of contents of this Act as follows:

<table>
<thead>
<tr>
<th>Title I—Consumer Gas Price Relief</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 101. Reduction of fuel taxes on highway motor fuels.</td>
</tr>
<tr>
<td>Sec. 102. Lease sales.</td>
</tr>
<tr>
<td>Sec. 103. Coastal Impact assistance program amendments.</td>
</tr>
<tr>
<td>Sec. 104. Seaward boundaries of States.</td>
</tr>
</tbody>
</table>

Title II—Increasing Domestic Transportation Fuel Production

Subtitle A—Outer Continental Shelf Leasing

Sec. 201. Leasing program considered approved.

Sec. 202. Lease sales.

Sec. 203. Coastal Impact assistance program amendments.

Sec. 204. Seaward boundaries of States.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 211. Definitions.

Sec. 212. Leasing program for land within the Coastal Plain.

Sec. 213. Lease sales.

Sec. 214. Grant of leases by the Secretary.

Sec. 215. Leasing program conditions.

Sec. 216. Coastal plain environmental protection.

Sec. 217. Expedited judicial review.

Sec. 218. Federal and State distribution of revenues.

Sec. 219. Rights-of-way across the Coastal plain.

Sec. 220. Conveyance.

Sec. 221. Local government impact aid and community service assistance.

Subtitle C—Approval of Keystone XL Pipeline Project

Sec. 231. Approval of Keystone XL pipeline project.

Title III—Closing loopholes to fund consumer relief at the pump

Sec. 301. Modifications of foreign tax credits rules applicable to major integrated oil companies which are dual capacity taxpayers.

Sec. 302. Limitation on deduction attributable to oil, natural gas, or primary products thereof.

Sec. 303. Limitation on deduction for intangible drilling and development costs.

Sec. 304. Transfer of revenues to Highway Trust Fund.

Title IV—Budgetary Effects

Sec. 401. Deficit Reduction.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing

Sec. 201. Leasing program considered approved.

Sec. 202. Lease sales.

Sec. 203. Coastal Impact assistance program amendments.

Sec. 204. Seaward boundaries of States.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 211. Definitions.

Sec. 212. Leasing program for land within the Coastal Plain.

Sec. 213. Lease sales.

Sec. 214. Grant of leases by the Secretary.

Sec. 215. Leasing program conditions.

Sec. 216. Coastal plain environmental protection.

Sec. 217. Expedited judicial review.

Sec. 218. Federal and State distribution of revenues.

Sec. 219. Rights-of-way across the Coastal plain.

Sec. 220. Conveyance.

Sec. 221. Local government impact aid and community service assistance.

Subtitle C—Approval of Keystone XL Pipeline Project

Sec. 231. Approval of Keystone XL pipeline project.

Title III—Closing loopholes to fund consumer relief at the pump

Sec. 301. Modifications of foreign tax credits rules applicable to major integrated oil companies which are dual capacity taxpayers.

Sec. 302. Limitation on deduction attributable to oil, natural gas, or primary products thereof.

Sec. 303. Limitation on deduction for intangible drilling and development costs.

Sec. 304. Transfer of revenues to Highway Trust Fund.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.
S2096

CONGRESSIONAL RECORD — SENATE

March 27, 2012

is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) Final Environmental Impact Statement.—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) Exceptions.—Notwithstanding subsections (a) and (b), lease sales 214, 232, and 239 shall be conducted in the final leasing program for 2013-2018.

SEC. 202. LEASE SALES.

(a) Outer Continental Shelf.—

(1) In general.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(2) Subsequent determinations and sales.—If the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this subsection, not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary shall:

(A) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(B) if the Secretary determines that there is a commercial interest as described in paragraph (A), conduct a lease sale in the planning area.

(b) Renewable Energy and Marine Culture.—The Secretary may conduct commercial lease sales of resources owned by United States:

1. to produce renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 1352(b))); or

2. to cultivate marine organisms in the natural habitat of the organisms.

SEC. 203. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

"(5) Application Requirements; Availability of Funding.—On approval of a plan by the Secretary under this section, the producing States shall:

(A) subject to Federal oil and gas mineral rights to the extent provided by law;

(B) subject to Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.); and

(C) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(2) Existing Leases.—The amendments made by this section shall not affect any Federal oil and gas leases for production purposes on the coastal plain for oil and gas exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.


(e) Conforming Amendment.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(f) Compliance with NEPA for Other Actions.—

(A) In general.—Before conducting the first lease sale under this subtitle, the Secretary shall conduct an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(2) Identification and Analysis.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall—

(i) identify and analyze alternative courses of action; or
(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(2) evaluate the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental statement on the individual

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(b) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(d) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City and Borough of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area has a unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(i) the Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(ii) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary offers for lease any portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(e) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration and production except in accordance with this subtitle.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, subsistence resources, and environment of the Coastal Plain.

(ii) the Secretary may close, on a case-by-case basis, any portion of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife.

(3) require that each lease of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or of the subcontractors or agents of the lessee.

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation liability under this subsection to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable, a standard capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 212 of this Act.

(c) SUSTAINABILITY.—In carrying out the Secretary’s responsibilities under this subtitle, the Secretary shall—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain do not result in significant adverse effects on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel roads or support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(i) a site-specific analysis be made of the possible effects, if any, of the proposed drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment.

(ii) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(iii) the development of the plan shall be conducted by the Secretary after consultation with the 1 or more agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

SEC. 212. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process;

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale;

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts containing the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than 90 days after the date of the completion of the sale, evaluate the bids in the sale and issue leases resulting from the sale; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development of the areas is warranted by the conduct of the additional sales.

SEC. 214. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 213 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with the Attorney General.

SEC. 215. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12% percent of the amount or value of the production removed or sold from the lease for the first 8 years, and thereafter in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, or restrict, or limit, or prohibit exploration or production on any portion of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife.

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the Secretary or of the subcontractors or agents of the lessee.

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation liability under this subsection to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable, a standard capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under this Act.

(c) RECLAMATION.—In accordance with subsection (b), the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain do not result in significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel roads or support of pipelines, does not exceed 2,000 acres on the Coastal Plain.
(d) Compliance With Federal and State Environmental Laws and Other Requirements.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and conditions for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report, in accordance with applicable Federal and State environmental laws (including regulations)—

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement of Findings;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoiding, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, and the environment of the Coastal Plain and related areas);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) stipulations of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report, in accordance with applicable Federal and State environmental laws (including regulations)—

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary determines to be necessary.

(e) Considerations.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve—Alaska leasing program, as set forth in the 1996 National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) Facility Consolidation Planning.—

(1) In General.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources on the Coastal Plain.

(2) Objectives.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) Access to Public Land.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 217. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaints.—

(1) Deadline.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(b) Scope.—

(A) In General.—Judicial review of a decision of the Secretary relating to a lease under this subtitle, including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) Presumptions.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(c) Limitation on Other Review.—Any action of the Secretary under judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 218. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) In General.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle for each fiscal year—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 221(d), the balance shall be deposited in the Treasury and used for Federal budget deficit reduction.

(b) Payments to Alaska.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 219. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) In General.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) Terms and Conditions.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) Regulations.—The Secretary shall include in regulations under this section provisions granting rights-of-way and easements in subsection (a).

SEC. 220. CONVEYANCE.

(a) Conveyance Under Section 1303(b)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3120(b)(2)), to remove any
SEC. 221. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible for assistance under subsection (b).

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only—

(1) to provide emergency, impoundment, and mitigation plan or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services; and

(3) to establish a local coordination office, to be created by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska.

(A) to coordinate with and advise developers on local conditions and the history of areas affected by development; and

(B) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the Fund) to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

(2) USE.—Amounts in the Fund may be used only for providing financial assistance under this section.

(3) DISTRIBUTION.—Subject to paragraph (4), there shall be deposited into the Fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtithe.

(4) LIMITATION ON DEPOSITS.—The total amount in the Fund may not exceed $31,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing government securities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary from the Fund to provide financial assistance under this section $5,000,000 for each fiscal year.

Subtitle C—Approval of Keystone XL Pipeline Project

SEC. 231. APPROVAL OF KEYSTONE XL PIPELINE PROJECT

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 9 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P., is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at the point in the State of Montana and the United States, and no additional environmental impact statement, shall be required.

(b) PERMITS.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required.

(c) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State of Nebraska that is identified by the State of Nebraska.

(4) COOPERATION.—Not later than 30 days after the date on which Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall conduct such investigations as are consistent with the law of the State of Nebraska.
1. TAX ON BUSINESS ACTIVITIES.
   (a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

   "(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

   "(B) GROSS ACTIVE INCOME.—
   "(1) IN GENERAL.—The term ‘business tax equal to 17 percent of the business inputs for the
   "(2) BUSINESS INPUTS.—

   "(C) COORDINATION WITH SPECIAL RULES FOR
   "(D) DEDUCTIONS.—

   "(2) DEDUCTIONS.—
   "(B) EXCHANGES.—

   "(2) TRANSFERS OF REVENUES TO HIGHWAY
   "(3) EXEMPTION FROM TAX FOR ACTIVITIES OF

   "(3) BUDGETARY EFFECTS

   "(A) IN GENERAL.—Title XVII of the Energy Policy

   "(A) DENIAL OF DEDUCTION.—

   "(A) TAX IMPOSED ON BUSINESS ACTIVITIES.

   "(A) TAX IMPOSED ON BUSINESS ACTIVITIES.

   "(A) TAX IMPOSED ON BUSINESS ACTIVITIES.

   "(A) TAX IMPOSED ON BUSINESS ACTIVITIES.
“(i) the amount paid for property sold or used in connection with a business activity,
“(ii) the amount paid for services (other than for the services of employees, including fringe benefits of such services) in connection with a business activity, and
“(iii) any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on the purchase of property or services which are for use in connection with a business activity.

Such term shall not include any tax imposed by chapter 2 or 21.

“(b) Exceptions.—Such term shall not include—

(i) items described in subparagraphs (B) and (C) of paragraph (1), and

(ii) items for personal use not in connection with any business activity.

“(c) Exchanges.—For purposes of this section, the amount treated as paid in connection with any exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

“(3) Retirement distributions.—For purposes of this section, the term ‘retirement distribution’ means any distribution from—

(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(c)(18).

(B) an annuity plan described in section 403(b).

(C) an annuity contract described in section 7702.

(D) an individual retirement account described in section 408(a).

(E) an individual retirement annuity described in section 443.

(F) an eligible deferred compensation plan (as defined in section 457).

(G) a governmental plan (as defined in section 457).

(H) a trust described in section 501(c)(18).

Such term includes any plan, contract, account, annuity, or trust, at any time, has been determined by the Secretary to be such a plan, contract, account, annuity, or trust.

“(e) Special Rules for Financial Intermediation Service Activities.—In the case of the Secretary of any Governmental financial intermediary service, the taxable income from such activity shall be equal to the value of the intermediary service provided in such activity.

“(f) Exception for Services Performed as Employee.—For purposes of this section, the term ‘services performed as an employee’ does not include the performance of services by an employee for the employee’s employer.

“(g) Carryover of Credit-Equivalent of Excess Distributions.—

“(1) In general.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the credit equivalent of such excess shall be allowed as a credit against the tax imposed by this section for the following taxable year.

“(2) Credit-Equivalent of Excess Deductions.—For purposes of paragraph (1), the credit-equivalent of the excess described in paragraph (1) for any taxable year is an amount equal to—

(A) the sum of—

(i) such excess, plus

(ii) the product of such excess and the 3-month Treasury rate for the last month of such taxable year, multiplied by

(B) the rate of the tax imposed by subsection (a) for such taxable year.

“(3) Carryover of Unused Credit.—If the credit equivalent of any taxable year by reason of this subsection exceeds the tax imposed by this section for such year, then in lieu of treating such excess as an overpayment the sum of—

(A) such excess, plus

(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year, shall be allowed as a credit against the tax imposed by this section for the following taxable year.

“(4) 3-Month Treasury Rate.—For purposes of this subsection, the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 3-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States maturing within periods to maturity of 3 months or less.

“(b) Tax on Tax-Exempt Entities Providing Noncash Compensation to Employees.—Section 4977 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 4977. TAX ON NONCASH COMPENSATION PROVIDED TO EMPLOYEES NOT ENGAGED IN BUSINESS ACTIVITY.

“(a) Imposition of Tax.—There is hereby imposed a tax equal to 17 percent of the value of noncash compensation provided during the calendar year by an employer for the benefit of employees to whom this section applies.

“(b) Liability for Tax.—The tax imposed by this section shall be paid by the employer.

“(c) Excludable Compensation.—For purposes of subsection (a), the term ‘excludable compensation’ means any remuneration for services performed as an employee other than—

(i) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash,

(ii) remuneration for services performed outside the United States,

(iii) retirement contributions to or under any plan or arrangement which makes retirement distributions to or for employees which are not for use in connection with any business activity,

(iv) items for personal use not in connection with any business activity.


“...(amendment intended to be proposed by Mr. Pryor to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

“TITLe III—miscellaneous

SEC. 301. position limits for petroleum and related products.

Section 4a(a)(6) of the Commodity Exchange Act (7 U.S.C. 4a(a)(6)) is amended—

(1) by redesignating subsections (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ‘‘The Commission shall’’ and inserting the following:

“(A) in general.—The Commission shall;

and

(3) by adding at the end the following:

“(B) petroleum and related products.—The Commission shall, by regulation, establish limits on the aggregate number or value of positions in petroleum or related products that may be held by any person, including any group or class of traders, for each month across contracts described in clause (i) through (iii) of subparagraph (A), so that—

(i) the short position for traditional bona fide hedgers in the aggregate is not less than 50 percent; and

(ii) the long position for traditional bona fide hedgers in the aggregate is not less than 50 percent.’’.

SA 1961. Mr. Pryor submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

“TITLe III—miscellaneous

SEC. 301. quadrential energy review.

(a) Findings.—Congress finds that—

(1) the President’s Council of Advisors on Science and Technology recommends that the United States develop a Government wide Federal energy policy and update the scenario regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;
(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technologies, regulations, and partnerships, loans, and loan guarantees; (C) an analysis of, and projections for, demonstration programs, and other innovation mechanisms across the Federal agencies; (D) an analysis of, and projections for, the optimal deployment of resources, including— (i) an identification of, and projections for, timeframes, milestones, sources of funding, and management; (E) portfolio assessments that describe the organization of resources, including prioritizing financial resources for energy programs; (F) a mapping of the linkages among basic research and advanced, demonstration programs, and other innovation mechanisms across the Federal agencies; (G) an identification of, and projections for, demonstration programs, including timeframes, milestones, sources of funding, and management; (H) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees; (I) an identification of, and projections for, demonstration programs, including timeframes, milestones, sources of funding, and management; (J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees; (K) an analysis of executive secretariats for energy, and partnerships, loans, and loan guarantees; (L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of— (i) federal tax policies; and (ii) the role of Federal agencies as early adopters and purchasers of new energy technologies; (M) an analysis of— (i) points of maximum leverage for policy intervention to achieve outcomes; and (ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and (N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

(e) EXECUTIVE SECRETARIAT.— (1) IN GENERAL.—The Secretary shall provide the Executive Secretariat with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.

(f) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation, which was ordered to lie on the table as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—GASOLINE REGULATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the “Gasoline Regulations Act of 2012”.

SEC. 302. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term “Commission” means the Transportation Fuels Regulatory Commission established by section 303(a).

(3) COVERED ACTION.—The term “covered action” means any action, to the extent the action affects facilities involved in the production, transportation, or distribution of gasoline or diesel fuel, taken—

(A) on or after January 1, 2009, by the Administrator, a State, a local government, or a permitting agency; or

(B) to conform with part C of title I or title V of the Clean Air Act (42 U.S.C. 7401 et seq.) regarding an air pollutant identified as a greenhouse gas in the final rule entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” (74 Fed. Reg. 66496 (December 15, 2009)).

(4) COVERED RULE.—The term “covered rule” means the following rules (and includes any successor or substantially similar rule):

SEC. 303. TRANSPORTATION FUELS REGULATORY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Transportation Fuels Regulatory Commission”.

(b) Functions of the Commission.—The functions of the Commission shall be composed of the following officials or designees of the officials:

(1) The Secretary of Energy, who shall serve as the Chair of the Commission.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Energy and Environment.

(6) The Administrator.

(7) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(b) Data.—In conducting an analysis under this section, the Commission shall be required to create data or to use data that are not readily accessible.

(c) REPORT.—Not later than 180 days after the day on which the Commission submits the final report under section 305(c) of the Clean Air Act (42 U.S.C. 7409), the Administrator shall consider the feasibility and cost of converting to a qualified hybrid motor vehicle and any uncertainties associated with each estimate.

(d) Consultation with the Chair.—The Commission shall consult with the other members of the Commission.

(e) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report under section 305(c).

SEC. 304. ANALYSES.

(a) SCOPE.—The Commission shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules and covered actions.

(b) CONTENTS.—In conducting each analysis under this section, the Commission shall include the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with respect to—

(A) any resulting change in the national, State, or regional price of gasoline or diesel fuel;

(B) required capital investments and projected costs for the operation and maintenance of new equipment required to be installed; and

(C) the national economic competitiveness of the United States and any loss of domestic refining capacity;

(2) any other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment impacts associated with increased gasoline or diesel fuel prices and facility closures.

(3) A discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(4) A sensitivity analysis reflecting alternative assumptions with respect to the average demand for gasoline or diesel fuel.

(5) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumer cost;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) any uncertainties associated with each topic listed in subparagraphs (A) through (G).

(b) ANALYSES.—In conducting an analysis under this section, the Commission shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget.

(d) DATA.—In conducting an analysis under this section, the Commission shall not be required to create data or to use data that are not readily accessible.

SEC. 305. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall make public and submit to the Committee on Energy and Commerce of the House of Representatives a preliminary report containing the results of the analyses conducted under section 304.

(b) PUBLIC COMMENT PERIOD.—The Commission shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the period described in subsection (b), the Commission shall submit to Congress a final report containing the analyses conducted under section 304, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 306. NO FINAL ACTION ON CERTAIN RULES.

The Administrator shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the day on which the Commission submits the final report under section 305(c): "Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards" as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86, and any successor or similar rule.

SEC. 307. CONSIDERATION OF FEASIBILITY AND COST IN REVISIONING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator shall consider the feasibility and cost of the revision or supplement.

SA 1964. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2241, to eliminate unnecessary tasks associated with renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

"If gross vehicle weight (prior to conversion) is:"

<table>
<thead>
<tr>
<th>Gross Vehicle Weight</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>$3,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>$6,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

"(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

<table>
<thead>
<tr>
<th>Gross Vehicle Weight</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>$3,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>$6,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

"(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

<table>
<thead>
<tr>
<th>Gross Vehicle Weight</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>$3,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>$6,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

"(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

<table>
<thead>
<tr>
<th>Gross Vehicle Weight</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>$3,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>$6,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

"(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

<table>
<thead>
<tr>
<th>Gross Vehicle Weight</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>$3,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>$6,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

"(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

<table>
<thead>
<tr>
<th>Gross Vehicle Weight</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>$3,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>$4,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>$6,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>$8,000</td>
</tr>
</tbody>
</table>
"If vehicle (prior to conversion) is: The applicable reduction in the credit is:

A vehicle with a gross vehicle weight not exceeding 14,000 pounds .................. 10 percent.

(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle if the credit under subsection (1) is disallowed with respect to such motor vehicle in any taxable year.

(4) LIMITATION ON NUMBER OF HYBRID CONVERSIONS ELIGIBLE FOR CREDIT.—This subsection shall not apply to the conversion of any motor vehicle after the last day of the calendar quarter which includes the first date on which the total number of conversions with respect to which a credit under this subsection has been allowed for all taxable years is at least equal to the applicable number determined under the following table:

<table>
<thead>
<tr>
<th>Gross Vehicle Weight (prior to conversion)</th>
<th>Applicable Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not more than 8,500 pounds</td>
<td>100,000</td>
</tr>
<tr>
<td>More than 8,500 pounds but not more than 14,000 pounds</td>
<td>70,000</td>
</tr>
<tr>
<td>More than 14,000 pounds but not more than 26,000 pounds</td>
<td>20,000</td>
</tr>
<tr>
<td>More than 26,000 pounds</td>
<td>10,000</td>
</tr>
</tbody>
</table>

(5) TERMINATION.—This subsection shall not apply to conversions made after the date which is 5 years after the date of the enactment of the RETRO Act.

(b) TITLE III—AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Subsection (a) of section 30B of the Internal Revenue Code of 1986 is amended—

(1) by striking ‘‘and’’ at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting ‘‘;’’, and

(3) by adding at the end the following new paragraph:

‘‘(6) the hybrid conversion credit determined under subsection (j).’’;

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (8) of section 30B(h) of the Internal Revenue Code of 1986 is amended by—

(1) striking ‘‘a vehicle’’ and all that follows and inserting ‘‘a vehicle, except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle or a qualified hybrid motor vehicle.’’;

(d) DENIAL OF DOUBLE BENEFIT.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

‘‘(d) DENIAL OF DOUBLE BENEFIT.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

‘‘(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.’’;

(f) RECISION OF UNOBLIGATED FEDERAL FUNDS IN REVENUE ACT OF 2004.—

(1) IN GENERAL.—Notwithstanding any other provision of law, all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction to the Treasury pursuant to the reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriations the rescission shall be applied to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission applied to the preceding sentence.

(3) EXCEPTION.—This paragraph shall not apply to the unobligated funds of the Department of the Treasury, the Department of Housing and Urban Development, or any funds appropriated for disaster relief.

SA 1965. Mr. VITTER (for himself and Mr. Sessions) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Stike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF LEASING PROGRAM.

(a) In general—Subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this subsection as the ‘‘Secretary’’) under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) Final Environmental Impact Statement.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2013 through 2018.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. SHORT TITLE.

This title may be cited as the ‘‘Energy Tax Prevention Act of 2011’’.

SEC. 302. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) In General.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by—

(1) in section 302(g) of the Clean Air Act (42 U.S.C. 7602(g)), by inserting ‘‘greenhouse gas’’ means any of the following:—

‘‘(i) Water vapor.’’;

‘‘(ii) Carbon dioxide.’’;

‘‘(iii) Methane.’’;

‘‘(iv) Nitrous oxide.’’;

‘‘(v) Sulfur hexafluoride.’’;

‘‘(vi) Hydrofluorocarbons.’’;

‘‘(vii) Perfluorocarbons.’’;

‘‘(viii) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.’’;

(2) LIMITATION ON AGENCY ACTION.—

‘‘(A) any projections for production under the program; and

‘‘(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.’’;

(b) PROVISIONS FOR THE OUTER CONTINENTAL SHELF LEASING PROGRAM.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012–2017, the production goal referred to in paragraph (1) shall be an increase by 2017 of—

(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

(c) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

‘‘(A) any projections for production under the program; and

‘‘(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.’’;

SEC. 303. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) DEFINITION.—In this section, the term ‘‘greenhouse gas’’ means any of the following:

(1) Water vapor.

(2) Carbon dioxide.

(3) Methane.

(4) Nitrous oxide.

(5) Sulfur hexafluoride.

(6) Hydrofluorocarbons.

(7) Perfluorocarbons.

(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

(b) LIMITATION ON AGENCY ACTION.—

(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

(B) AIR POLLUTANT DEFINITION.—The definition of the term ‘‘air pollutant’’ in section 302 of the Clean Air Act (42 U.S.C. 7602) does not include a greenhouse gas.

(c) PROVISIONS FOR THE OUTER CONTINENTAL SHELF LEASING PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction to the Treasury pursuant to the reason of the amendments made by this section.

(B) Implementation and enforcement of sections 109(a) and 110(a)(11) of the Clean Air Act, as amended by the American Jobs and Domestic Energy Production Act of 2010.

(C) Statutorily authorized Federal re-search, development, and demonstration pro-grams addressing climate change.

(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class actions or class certifications (as such terms are defined in section 601).

(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

(F) Inapplicability of provisions.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of this section (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

(G) Certain prior agency actions.—The following rules, and actions (including any supplement or revision to such rules and ac-tions) are repealed and shall have no legal ef-fect:


(C) ‘Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered Under Section 110 and Authorize or Require a Section 111 Standard’ published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning ‘EPA’s Interpretation of Regulations that Determine Pollutants Covered By Federal Prevention of Signifi-cant Deterioration (PSD) Permit Pro-grams’ (Dec. 18, 2008).


(L) Except for action listed in paragraph (2), any other Federal action under this Act that occurs before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address cli-mate change.

(1) State action.—

(A) No limitation.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

(B) Exception.—(i) Rule.—Notwithstanding subparagraph (A), any provision described in clause (1)—

(1) is not federal enforceable;

(II) is not deemed to be a part of Federal law; and

(III) is deemed to be stricken from the plan described in clause (1)(I) or the pro-gram or permit described in clause (1)(II), as applicable.

(ii) PROVISIONS DEFINED.—For purposes of clause (1), the term ‘provision’ means any provision that—

(I) is contained in a State implementa-tion plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

(II) is part of an operating permit pro-gram under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

(C) ACTION BY ADMINISTRATOR.—The Ad-ministrator may not approve or make fed-erally enforceable any provision described in subparagraph (B)(i).

SEC. 303. PRESERVING ONE NATIONAL STAND-ARD FOR AUTOMOBILES.

Section 202(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

(4) With respect to standards for emis-sions of greenhouse gases (as defined in section 330) for model year 2017 or any subse-quent model year for new motor vehicles and new motor vehicle engines—

(A) the Administrator may not waive application of subsection (a); and

(B) no waiver granted prior to the date of enactment of this paragraph may be consid-ered to waive the application of subsection (a).

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, to elimi-nate unnecessary tax subsidies and pro-mote renewable energy and energy conser-vation; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 pro-posed by Mr. Reid to the bill S. 2204, to elimi-nate unnecessary tax subsidies and promote renewable energy and energy conserva-tion; as follows:

In the amendment, strike ‘1 day’ and in-sert ‘2 days’.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, to elimi-nate unnecessary tax subsidies and pro-mote renewable energy and energy conser-vation; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 pro-posed by Mr. Reid to the bill S. 2204, to elimi-nate unnecessary tax subsidies and promote renewable energy and energy conserva-tion; as follows:

In the amendment, strike ‘3 days’ and in-sert ‘4 days’.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 pro-posed by Mr. Reid to the amendment SA 1970 proposed by Mr. Reid to the bill S. 2204, to elimi-nate unnecessary tax subsidies and promote renewable energy and energy conserva-tion; as follows:

In the amendment, strike ‘4 days’ and in-sert ‘5 days’.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, to elimi-nate unnecessary tax subsidies and promote renewable energy and energy conserva-tion; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON EXPORT OF CRUDE OIL TRANSPORTED BY KEYSTONE XL PIPELINE.

(a) DEFINITION OF KEYSTONE XL PIPELINE.—In this section, the term ‘Keystone XL pipeline’ means the pipeline for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the applica-tion filed with the Department of State on September 19, 2008 (as supplemented and amended).

(b) PROHIBITION ON EXPORTS.—Subject to subsection (c), no crude oil transported by the Keystone XL pipeline, or petroleum products derived from the crude oil, may be exported from the United States.

(c) WAIVERS.—The President may grant a waiver from the application of subsection (b) if the President—

(1) determines that the waiver is necessary as the result of—

(A) national security; or

(B) a natural or manmade disaster; or

(2) makes an express finding that the ex-ports described in subsection (b)—

(A) will not diminish the total quantity or quality of petroleum available in the United States; and

(B) are in the national interest of the United States.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to elimi-nate unnecessary tax subsidies and promote renewable energy and energy conserva-tion; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and in-set the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the “American Jobs and Domestic Energy Production Act”.
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I.—OUTER CONTINENTAL SHELF

Sec. 101. Definitions.
Sec. 102. Outer Continental Shelf leasing program.
Sec. 103. Domestic oil and natural gas production, development, or production is conducted.
Sec. 104. Requirement to conduct proposed oil and gas lease Sale 216 in the Central Gulf of Mexico.
Sec. 105. Requirement to conduct proposed oil and gas lease Sale 220 of the Outer Continental Shelf offshore Virginia.
Sec. 106. Requirement to conduct proposed oil and gas lease Sale 222 in the Central Gulf of Mexico.
Sec. 107. Additional leases.

TITLE II.—COASTAL PLAIN ENERGY DEVELOPMENT

Sec. 201. Definitions.
Sec. 202. Leasing program for land within the Coastal Plain.
Sec. 203. Lease sales.
Sec. 204. Grant of leases by the Secretary.
Sec. 205. Lease terms and conditions.
Sec. 206. Coastal Plain environmental project section.
Sec. 207. Expenditure review.
Sec. 208. Rights-of-way and easements across Coastal Plain.
Sec. 209. Conveyance.
Sec. 211. Allocation of revenues.

TITLE III.—OIL SHALE

Sec. 301. Findings.
Sec. 302. Definition of Secretary.
Sec. 303. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decisions.
Sec. 304. Lease sales.

TITLE IV.—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

Sec. 401. Energy development at military installations.

TITLE V.—HYDRAULIC FRACTURING

Sec. 501. Findings.
Sec. 502. Definition of Federal land.
Sec. 503. State authority.

TITLE I.—OUTER CONTINENTAL SHELF

SEC. 101. DEFINITIONS.

In this title:


(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term “Multisale Environmental Impact Statement for Proposed Western Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 204, 207, 210, 213, and 216, and Proposed Central Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 201(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

“(5) In each oil and gas leasing program under this Act, the Secretary shall make available for leasing and conduct lease sales that include—

“(A) at least 75 percent of the available acreage within each outer Continental Shelf planning area that is—

“(i) not under lease at the time of a proposed leasing program, and has not otherwise been made unavailable for leasing by law; and

“(ii) considered to have the largest undiscovered, technically recoverable oil and gas resources on the basis of the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

“(B) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

“(6) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area that the Secretary determines, based on the document entitled ‘Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation’s Outer Continental Shelf, 2006’—

“(A) is estimated to contain more than 2,500,000,000 barrels of oil; or

“(B) is estimated to contain more than 7,500,000,000 cubic feet of natural gas.’’.}

SEC. 103. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

“(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

“(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

“(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

“(B) focused on—

“(i) meeting the demand for oil and natural gas in the United States;

“(ii) reducing the dependence of the United States on foreign energy sources; and

“(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 leasing program for fiscal years 2012–2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

“(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

“(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

“(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

“(A) any projections for production under the program; and

“(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.

SEC. 104. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—The Secretary shall conduct offshore and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that could conflict with military operations, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement, and is the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

SEC. 105. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable after the date of enactment of this Act, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5-Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(1) ADDITIONAL LEASE SALES.—In addition to lease sales conducted in accordance with a leasing program under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential as new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.”.

TITLE II.—COASTAL PLAIN ENERGY DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) FINAL STATEMENT.—The term “Final Statement” means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1601 et seq.).

(3) REPORT.—The term “Report” means the Final Statement and the Multisale Environmental Impact Statement.
the oil and gas resources of the Coastal Plain; and
(B) SADLEROCHIT SPRING AREA.—The Secretary shall—
(1) exclude from leasing or surface occupancy the Sadlerochit Spring area, comprising approximately 1,400 acres.
(2) manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including its fish and wildlife, subsistence resources, and cultural values of the area.
(C) IDENTIFICATION OF PREFERRED ACTION.—
(1) IN GENERAL.—Before conducting the conduct of the first lease sale, the Secretary shall—
(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this title; and
(ii) only analyze the environmental effects and potential mitigation measures for those 2 alternatives.
(2) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 10 days after the date of publication of a draft environmental impact statement.
(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.
(f) SPECIAL AREAS.—
(A) IN GENERAL.—Before conducting the first lease sale under this title, the Secretary shall—
(i) exclude from leasing or surface occupancy the Sadlerochit Spring area, comprising approximately 1,400 acres.
(ii) manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including its fish and wildlife, subsistence resources, and cultural values of the area.
(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.
(C) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary shall not conduct any exploration or development of a special area for which there is commercial demand for oil and gas exploration, development, and production (as determined under section 203) under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.
(D) LIMITATION ON CLOSED AREAS.—The sole authority of the Secretary to close land within the Coastal Plain to oil and gas leasing, exploration, development, or production shall be the authority provided under this title.
(h) REGULATIONS.—
(1) IN GENERAL.—Subject to subsection (b), not later than 15 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.
(2) CONFORMING AMENDMENT.—The Secretary may, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under paragraph (1) to reflect a preponderance of the best available scientific evidence that is peer-reviewed and obtained by following appropriate documented scientific procedures, the results of which can be repeated using those same procedures.
(3) LEASE SALES.—
(A) IN GENERAL.—Land may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).
(B) LEASE SALE BIDS.—Lease sales under this title may be conducted through an electronic, Internet leasing program, if the Secretary determines that the program will result in—
(1) savings to the taxpayer;
(2) a reduction in the number of bidders participating; and
(3) higher returns than oral bidding or a sealed bidding system.
(C) DIRECTIONAL DRILLING.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.
(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 10 days after the date of publication of a draft environmental impact statement.
(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.
(F) SPECIAL AREAS.—
(A) IN GENERAL.—Before conducting the first lease sale under this title, the Secretary shall—
(i) exclude from leasing or surface occupancy the Sadlerochit Spring area, comprising approximately 1,400 acres.
(ii) manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including its fish and wildlife, subsistence resources, and cultural values of the area.
(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.
(C) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary shall not conduct any exploration or development of a special area for which there is commercial demand for oil and gas exploration, development, and production (as determined under section 203) under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.
(D) LIMITATION ON CLOSED AREAS.—The sole authority of the Secretary to close land within the Coastal Plain to oil and gas leasing, exploration, development, or production shall be the authority provided under this title.
(h) REGULATIONS.—
(1) IN GENERAL.—Subject to subsection (b), not later than 15 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.
(2) CONFORMING AMENDMENT.—The Secretary may, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under paragraph (1) to reflect a preponderance of the best available scientific evidence that is peer-reviewed and obtained by following appropriate documented scientific procedures, the results of which can be repeated using those same procedures.
(3) LEASE SALES.—
(A) IN GENERAL.—Land may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).
(B) LEASE SALE BIDS.—Lease sales under this title may be conducted through an electronic, Internet leasing program, if the Secretary determines that the program will result in—
(1) savings to the taxpayer;
(2) a reduction in the number of bidders participating; and
(3) higher returns than oral bidding or a sealed bidding system.

(2) administration.—Nothing in paragraph (1) shall prevent the Secretary from issuing a lease during the 60-day period beginning on the date of the completion of a lease sale pursuant to section 203 a lease for any land on the Coastal Plain.

(b) approval or denial.—
(1) in general.—Not later than 30 days after the date a lessee requests approval for a transfer under paragraph (1), the Secretary shall—
(A) approve or deny the request; and
(B) announce the decision.

(c) construction approval.—If the Secretary determines that there are no significant adverse effects on the environment as required under section 202, the Secretary shall notify the lessee that the request for approval is considered approved.

3. subsequent transfers.—
(1) in general.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(a) in general.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary shall grant to the high-bidding lessee the lease and all rights, privileges, and benefits, including the right to explore for, develop, produce, and dispose of oil and gas on the land, on a seasonal basis, for a period of not more than 60 days, such portions of the Coastal Plain to exploratory drilling activities as are necessary to detect and confirm the existence of oil and gas in the subsurface of the land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain for the removal from the Coastal Plain for each 100,000 acres of area leased.

(b) site-specific assessment and mitigation.—The Secretary shall require, with respect to any permit or other action related to activities on the Coastal Plain, that—
(1) a site-specific environmental analysis be prepared that includes, except in a case in which the Secretary determines that the exploration will have no significant permanent or irreversible adverse effect on fish and wildlife, fish and wildlife habitat, the environment; and
(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant permanent or irreversible adverse effect identified in subparagraph (A).

(c) regulations to protect coastal plain fish and wildlife resources, subsistence users, and the environment.—Not later than 180 days after the date of enactment of this Act, subject to section 202(b), the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) compliance with federal and state environmental laws and other requirements.—Subject to section 202(b), the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—
(1) compliance with all applicable provisions of Federal and State environmental laws (including regulations);

(e) compliance with federal and state environmental laws and other requirements.—Subject to section 202(b), the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—
(1) compliance with all applicable provisions of Federal and State environmental laws (including regulations);

(f) implementation of and compliance with—
(1) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the final statement, on the Coastal Plain;

(2) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant permanent and irreversible adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be reviewed by those same experts;

(3) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, significant permanent and irreversible adverse effects (i) the passage of migratory species (such as caribou); and (ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(4) prohibitions on general public access to, and use of, all pipeline access and service roads;

(5) stringent reclamation and rehabilitation requirements in accordance with this title for the removal from the Coastal Plain of all pipelines, drill sites, and gas production facilities, structures, and equipment on completion of oil and gas production operations except in a case in which the Secretary determines that those facilities, structures, or equipment—
(i) would assist in the management of the Arctic National Wildlife Refuge; and
(ii) are donated to the United States for that purpose;

(6) appropriate prohibitions or restrictions on—
(i) access by all modes of transportation;

(7) environmental laws and other requirements; and

(8) implementation of and compliance with—
(i) access by all modes of transportation;

(9) environmental laws and other requirements; and

(10) the development of the plan occur after consultation with each agency having jurisdiction under section 202.

(c) regulations to protect coastal plain fish and wildlife resources, subsistence users, and the environment.—Not later than 180 days after the date of enactment of this Act, subject to section 202(b), the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—
(1) compliance with all applicable provisions of Federal and State environmental laws (including regulations);

(2) implementation of and compliance with—
(1) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the final statement, on the Coastal Plain;

(2) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant permanent and irreversible adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be reviewed by those same experts;

(3) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, significant permanent and irreversible adverse effects (i) the passage of migratory species (such as caribou); and (ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(4) prohibitions on general public access to, and use of, all pipeline access and service roads;

(5) stringent reclamation and rehabilitation requirements in accordance with this title for the removal from the Coastal Plain of all pipelines, drill sites, and gas production facilities, structures, and equipment on completion of oil and gas production operations except in a case in which the Secretary determines that those facilities, structures, or equipment—
(i) would assist in the management of the Arctic National Wildlife Refuge; and
(ii) are donated to the United States for that purpose;

(6) appropriate prohibitions or restrictions on—
(i) access by all modes of transportation;

(7) environmental laws and other requirements; and

(8) implementation of and compliance with—
(i) access by all modes of transportation;

(9) environmental laws and other requirements; and

(10) the development of the plan occur after consultation with each agency having jurisdiction under section 202.
(C) prohibition on the use of chlorinated solvents; 
(7) fuel storage and oil spill contingency planning; 
(8) prohibit of periodic field crew environmental briefings; 
(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping by preparing and issuing regulations; and 
(10) compliance with applicable air and water quality standards; 

(a) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and 

(b) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, determines to be necessary. 

(c) In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration— 

(1) the stipulations and conditions that govern the National Petroleum Reserve—Alaska leasing program, as set forth in the 1999 National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement; 

(2) the stipulations and conditions that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and 

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1993. 

(f) FACILITY CONSOLIDATION PLANNING.— 

(1) General.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain. 

(2) Objectives.—The objectives of the plan shall be— 

(A) the avoidance of unnecessary duplication of facilities and activities; 

(B) the encouragement of consolidation of common facilities and activities; 

(C) the confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife, and subsistence resources, and the environment; 

(D) the use of existing facilities, to the maximum extent practicable; and 

(E) the enhancement of compatibility between wildlife values and development activities. 

(g) ACCESS TO PUBLIC LAND.—The Secretary— 

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1312); and 

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses. 

SEC. 207. EXPEDITED JUDICIAL REVIEW. 

(a) FILING OF COMPLAINTS.—

(1) Deadline.—A complaint seeking judicial review of a decision of the Secretary under this title shall be filed in the United States Court of Appeals for the District of Columbia. 

(b) Scope.—

(1) In general.—Judicial review of a decision of the Secretary under this title (including an environmental analysis of such a lease sale) shall be— 

(i) limited to a review of whether the decision is in accordance with this title; and 

(ii) based on the administrative record of the decision. 

(2) Presumptions.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this title shall be presumed to be correct unless proven otherwise by clear and convincing evidence. 

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this title shall not be subject to judicial review in any civil or criminal proceeding for enforcement. 

(c) LIMITATIONS ON FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for attorneys’ fees and other court costs under any provision of law, including under any amendment made by the Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96- 481). 

SEC. 208. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN. 

For purposes of section 1102(a)(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1312(a)(4)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section. 

SEC. 209. CONVEYANCE. 

In order to maximize revenue to the Federal Government, notwithstanding section 1302(b)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(b)(2)), any conveyance to remove any cloud on title to lands, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall— 

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 689, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1996; and 

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which the entitlement is entitled under the agreement between that corporation and the United States, dated August 9, 1983. 

SEC. 210. PROHIBITION ON EXPORTS. 

An oil or gas lease issued under this title shall prohibit the exploitation of oil or gas produced under the lease. 

SEC. 211. ALLOCATION OF REVENUES. 

Notwithstanding the Mineral Leasing Act (30 U.S.C. 1701 et seq.), any oil or gas produced from the sale, by the Secretary, of oil, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this title— 

(1) 50 percent shall be deposited in the general fund of the Treasury; 

(2) 50 percent shall be disbursed to the State of Alaska. 

TITLE III—OIL SHALE

SEC. 301. FINDINGS. 

Congress finds that— 

(A) the Office of Naval Petroleum and Oil Shale Reserves at the Department of Energy has estimated that oil shale resources located on Federal land hold approximately 2,000,000,000 recoverable barrels of oil; 

(B) oil shale is a strategically important domestic resource that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports; 

(C) the development of oil shale for research and commercial development should be conducted— 

(A) in an environmental sound manner; 

(B) using practices that minimize the impacts of the development; 

(C) with an emphasis on sustainability; and 

(D) in a manner that benefits the United States while taking into account affected States and communities; 

(E) oil shale is one of the best resources available for advancing technology and creating jobs in the United States; and 

(F) oil shale will be a critically important component of the transportation fuel sector by providing a secure domestic source of aviation fuel for commercial and military uses. 

SEC. 302. DEFINITION OF SECRETARY. 

In this title, the term ‘‘Secretary’’ means the Secretary of the Interior. 

SEC. 303. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISIONS. 

(a) REGULATIONS.— 

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule entitled ‘‘Oil Shale Management—General’’ (73 Fed. Reg. 69414 (November 18, 2008)) shall be considered to satisfy all legal and procedural requirements of applicable law, including— 

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); 

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); 

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 et seq.); and 


(b) IMPLEMENTATION.—The Secretary shall implement the regulations described in paragraph (1) (including the oil shale and oil sands leasing program authorized by the regulations) without regard to any other administrative requirements. 

(c) RESOURCE MANAGEMENT PLAN AND RECORD OF DECISION.—In this subsection, the term ‘‘covered oil shale and leasing program’’ means the oil shale and leasing program established by— 

(A) the programmatic environmental impact statement for commercial leasing for oil and tar sand development in Colorado, Utah, and Wyoming issued by the Bureau of Land Management during September 2008; and 

(B) the Record of Decision that adopted the proposed land use amendments issued by the Bureau of Land Management on November 17, 2008. 

(2) REQUIREMENTS.—Notwithstanding any other provision of law, the covered oil shale and leasing program shall be considered to satisfy all legal and procedural requirements
of applicable law, including the provisions of law described in subsection (a)(1).

(3) IMPLEMENTATION.—The Secretary shall implement the covered oil shale and leasing program without regard to any other administrative requirements.

SEC. 304. LEASE SALES.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall hold a lease sale in which the Secretary shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases published on January 15, 2011.

(b) COMMERCIAL LEASE SALES.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or oil sands development, as determined by the Secretary, in areas nominated through public comment.

(2) ADMINISTRATION.—Each lease sale shall be—

(A) for an area of not less than 25,000 acres; and

(B) in multiple lease blocks.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—If the Secretary determines that the royalty rates, fees, bonus bids, or other payments for leases of Federal land for the development and production of oil shale resources authorized by Federal law are hindering the development of the oil shale resources, the Secretary may temporarily reduce the royalties, fees, rentals, bonus bids, or other payments to provide incentives for, and encourage the development of, the oil shale resources.

TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

SEC. 401. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking "All money received" and inserting "Subject to subsection (d), all money received"; and

(2) by adding at the end the following:

"(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—

"(1) In general.—Of the amounts received under subsection (a), the Secretary of the Treasury shall transfer to the Secretary of the Treasury the amounts received from hydraulic fracturing fluid has been determined to be equal to the total amount received from hydraulic fracturing on Federal land; and

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

"(1) USE OF FUNDS.—Any amounts received from hydraulic fracturing fluid has been determined to be equal to the total amount received from hydraulic fracturing on Federal land; and

"(2) ADMINISTRATIVE OPERATIONS; and

"(B) the maintenance and repair of facilities and infrastructure of military installations.

TITLE V—HYDRAULIC FRACTURING

SEC. 501. FINDINGS.

The Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report finding that the "current State regulation of oil and gas activities is environmentally proactive and preventive";

(3) that report also concluded that "[a]ll oil and gas operations will require regulations within their scope to provide protection for water resources";


(5) a 2009 report by the Ground Water Protection Council, entitled "State Oil and Natural Gas Regulations Designed to Protect Water Resources," found a "lack of evidence" that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stating "The states, which regulated production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing;"

(7) on May 31, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was "not aware of any proven case where the fracking process itself has affected water";

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, "We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology;"

(9) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Clean Air Act (42 U.S.C. 7401 et seq.);

(b) ADMINISTRATION.—Each lease sale shall be—

(1) for an area of not less than 25,000 acres; and

(2) in multiple lease blocks.

(3) IN GENERAL.—Any amounts received from hydraulic fracturing fluid has been determined to be equal to the total amount received from hydraulic fracturing on Federal land; and

(4) Federal lands (as defined in section 3 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142)); and

(5) Indian lands (as defined in section 3 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142)); and

SEC. 502. DEFINITION OF FEDERAL LAND.

In this title, the term "Federal land" means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation;

(4) land under the jurisdiction of the Corps of Engineers; and

(5) Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 939d)).

SEC. 503. STATE AUTHORITY.

(a) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the underground injection of fluids or fracking agents pursuant to the hydraulic fracturing process, or any component of that process relating to oil and gas production activities on or under any land within the boundaries of the State.
the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, lease, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a leasing program that will result in an environmentally sound program for the exploration, development, and production of oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain do not place the Arctic National Wildlife Refuge and other species of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment in significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain as the Secretary determines to be necessary to protect the Arctic National Wildlife Refuge.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(b) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement of Findings required to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the completion of the lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect the best data available, including any new or updated data that come to the attention of the Secretary.

4. LEASE SALE, BIDS—

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for the exploration, development, and production of oil and gas from deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation under section 1002(d)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(d)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) AVERAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12 percent of the quantity or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal onshore leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling that, in the Secretary’s opinion, could affect in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by its agent or contractor of the lessee;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and other Federal lands that is affected by exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by its agent or contractor of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, any exploration, development, and production activities on the Western Coastal Plain to any person prohibited from participation under section 1002(d)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(d)(2)(C));

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (among other concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), by the Secretary of environmental effects, fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a); and

(b) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement.

(c) PROVISIONS.—In each lease sale conducted pursuant to this Act, the Secretary shall—

(1) contain provisions for a post-lease review of a provision of this Act or an action of the Secretary relating to a lease sale, and any analysis by the Secretary of environmental effects, fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(b).

(2) IN GENERAL.—An oil or gas lease issued pursuant to this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), in the District of Columbia Circuit.

(b) SCOPE.—

(1) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(A) limited to a review of whether the decision is in accordance with this Act; and

(b) based on the administrative record of the decision.

(c) CONCLUSIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(b);
SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) In general.—The Secretary shall establish in the Treasury a fund to be known as the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this subsection as the “Fund”) to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) Deposits.—The Secretary of the Treasury shall deposit into the Fund, $15,000,000 each year from the amount available under section 9(b).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly affected by or significant to the exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of local communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(1) In General.—To receive assistance under subsection (a), a community or Regional Corporation described in that subsection may submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) Action by North Slope Borough.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(c) Assistance.—The Governor shall investigate applications under this subsection to the extent practicable, and—

(1) coordinate with and advise developers on local conditions and the history of area assistance; and

(2) collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine species, and subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

SEC. 9. ALLOCATION OF REVENUES.

(a) In General.—Notwithstanding any other provision of law, of the amount of adjusted gross income derived from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) Allocation of Federal Funds.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation, until the fiscal year limitation, each fiscal year as follows:

(1) $15,000,000 shall be deposited by the Secretary into the Treasury into the Fund created under section 9(a)(1).

(2) The remainder shall be available as follows:

(A) Twenty-five percent shall be available to States to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) Ten percent shall be available to the Department of Health and Human Services to provide low-income home energy assistance under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(C) Ten percent shall be available to the Department of Energy to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6611 et seq.).

(D) Ten percent shall be available to the Department of the Interior for awards to manage the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community; to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services; and

(C) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(2) 10 percent, of the Fund, shall be available to the Governor of Alaska for—

(A) to develop a mechanism for providing members of the Kaktovik Inupiaq community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of area assistance; and

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine species, and subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMBER, Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, March 29, 2012, at 10 a.m., to hear testimony on “S. 2219, the “Democracy is Strengthened by Casting Light on Spending in Elections Act of 2012 (DISCLOSE Act of 2012).”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

S2112 CONGRESSIONAL RECORD — SENATE March 27, 2012

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:45 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Renewable Energy Tax Incentives: How have the recent and pending expiration of key incentives affected the renewable energy industry in the United States?”

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m., in room SD–216 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Renewable Energy Tax Incentives: How have the recent and pending expiration of key incentives affected the renewable energy industry in the United States?”

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

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 3:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing, Transportation, and Community Development of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Choice Neighborhoods Initiative: The Choice Neighborhoods Initiative: A New Community Development Model.”

The PRESIDING OFFICER. Without objection, it is so ordered.
the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled, “The Economic Imperative for Promoting International Travel to the United States.”

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

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY AND THE SUBCOMMITTEE ON OVERSIGHT OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in Dirksen 406 to conduct a joint hearing entitled, “Oversight Hearing on EPA’s Work With Other Federal Entities to Reduce Pollution and Improve Environmental Performance.”

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that on Wednesday, March 28, at 5 p.m., the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 464 and 497; that there be 60 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 464 and 497 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be made in order to consider any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

REGARDING MF GLOBAL BONUS AWARDS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 407, sub- submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 407) expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing;

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 407) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 407

Whereas on October 31, 2011, MF Global Holdings Ltd., entered into bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as $500,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis L. Seidman, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as $1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him in an effort to return the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers’ segregated account funds are repaid in full and investigations by Federal authorities have revealed both that the customers’ segregated account funds are still missing and that the loss of millions of dollars of customer money is still missing.

Ms. LANDRIEU. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 5

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate agree to the House request to return the papers on H.R. 5, the HEALTH Act, and authorize the Secretary of the Senate to return the papers on H.R. 5 to the House of Representatives.

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

ORDERS FOR WEDNESDAY, MARCH 28, 2012

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, March 28, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 2230, the Paying A Fair Share Act, with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that at 5 p.m., the Senate proceed to executive session under the previous order; further, that the filing deadline for the first-degree amendments to S. 2204, the Repeal Big Oil Tax Subsidies Act, be 11 a.m. on Wednesday.

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

PROGRAM

Ms. LANDRIEU. There will be two votes around 6 p.m. tomorrow on judicial nominations. Additionally, cloture
was filed today on the Repeal Big Oil Tax Subsidies Act. If no agreement is reached, that vote will occur on Thursday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. LANDRIEU. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Wednesday, March 28, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE J. RANDOLPH BABBITT.

DEPARTMENT OF STATE

BRETT H. MCGURK, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

UNITED STATES POSTAL SERVICE

JAMES C. MILLER, III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2017. (REAPPOINTMENT)
Mr. HINCHNEY. Mr. Speaker, I rise today to honor the lifetime achievements of my friend and constituent, Pauline Oliveros on the occasion of her 80th birthday. Ms. Oliveros is an internationally recognized visionary composer, performer, professor and humanitarian. She is also the Founder and Executive Director of the Deep Listening Institute in the City of Kingston, NY. Her career spans more than five decades of revolutionary music-making and her lifetime contribution to the arts has influenced the way in which we understand music and the many facets of sound. I am proud to honor Ms. Oliveros for her 50 years of inspiring dedication to musical innovation.

Ms. Oliveros began her career in the 1950s where she was part of a circle of iconoclastic composers, artists and poets gathered together in San Francisco. She represented the United States at the 1970 World’s Fair in Osaka Japan and was honored in 1985 with a retrospective at the Kennedy Center for Performing Arts in Washington, D.C. She is also a Distinguished Research Professor of Music at Rensselaer Polytechnic Institute and a Darius Milhaud Composer-in-Residence at Mills College in Oakland, California. Ms. Oliveros relocated to Ulster County in the early 1980s in order to become an independent composer, performer and consultant. She has written several books, formulated new theories of music and investigated new ways to focus attention on music including her concepts of “Deep Listening” and “Sonic Awareness.” Since the 1960s, Ms. Oliveros has deeply influenced American music through her work with improvisation, meditation, and electronic music.

Most notably, Ms. Oliveros is the founder of the Deep Listening Institute, aimed at fostering a unique approach to music, literature, art, and meditation. The Institute promotes innovation among artists and audiences in creating, performing, recording and educating with a global perspective. The Deep Listening Institute has received several grants to bring the innovative Adaptive Use Musical Instruments program to children with disabilities in Ulster County. The Adaptive Use Musical Instruments program is a software application allowing people with limited mobility to create music.

In addition to these notable endeavors, Ms. Oliveros was awarded the prestigious John Cage award from the Foundation of Contemporary Arts for her outstanding achievement in the arts. Mr. Speaker, it is with great pleasure that I join the Foundation of Contemporary Arts in honoring and celebrating Pauline Oliveros on the occasion of her 80th birthday and formally recognizing her profound lifetime contribution to American music and the power of sound.
2004 to provide home healthcare services to patients on Guam. HSP quickly earned accreditation from the Joint Commission on the Accreditation of Healthcare Organizations. HSP also received Medicare’s home healthcare certification and became a certified Hospice Agency in 2007. With her leadership, HSP has expanded the amount of critically-needed services it provides and has grown its staff to more than 80 employees. Further, as a former faculty member of the University of Guam School of Nursing, Ruth formed a partnership with the University to help train nursing students in various projects with HSP.

Ruth is also actively involved in a variety of community organizations on Guam. She has participated in numerous health conferences and workshops, and has sponsored events with the Guam Department of Public Health and Social Services. Ruth has held leadership roles on various committees and boards, including the Guam Legal Counsel for the Elderly advisory board, the UOG Union Board, the Guam Community College Nursing Advisory Board for the Licensed Practical Nurse program, and the Guam Hospital Healthcare Development Foundation board. In addition, she was part of the transition team for Governor Calvo, serving a board member for his Taskforce on Healthcare.

I commend Ms. Ruth Gurusamy for her work in improving the delivery of healthcare services on Guam, and for being named the SBA’s Women in Business Champion of the Year for 2012. I join the people of Guam in thanking her for her many contributions, and I wish her continued success.

FDIA AMENDMENTS REGARDING DISCLOSURES TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION

SPREECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 26, 2012

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 4014 to clarify that privileged information is standard for all of the bank-client privilege to documents that the CFPB receives. This is standard for all of the bank-regulators and it should be true for the CFPB as well.

It is critical that the process be an open exchange between the bureau and the entities it regulates. And that can only happen if the entities can trust that they aren’t inadvertently waiving the privilege simply by turning documents over.

I would note that the CFPB office of the General Counsel has indicated in a recent memo that it would ensure that the privilege was not waived, but I know that the entities involved in the CFPB’s regulator process would prefer that to be codified, and I would agree.

As it is currently drafted, the bill is identical to a bill introduced on a bipartisan basis in the other body. Both bills ensure that privilege is not waived when the CFPB receives sensitive information and when it shares that information with other agencies.

I support this bill and urge my colleagues to support it as well.

HON. MICHELE BACHMANN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mrs. BACHMANN. Mr. Speaker, I rise today to honor a great public servant on his retirement. Jim Schug of Stillwater, Minnesota, has served more than 25 years in Washington County Government and spent 17 years as the County Administrator.

Jim leaves a legacy of dedicated service to his employees and county residents. He faithfully worked as the Chief Administrator to the five member County Board to keep county services running in light of growing demands and dwindling resources. The same County Board, named January 26 as “Jim R. Schug Day” as a way to honor and remember his contributions. Of course, Jim would have never asked for this honor, but accepted it with grace and humility.

Jim’s work with county employees was focused and dedicated. He earned a reputation as a technician with a personal touch. Personally, I consider Jim to be a steadfast public servant who will remain a fixture in the community. Even though he hails from the western suburbs, he will always have a home in Washington County.

Mr. Speaker, I ask this body to recognize Jim Schug’s 25 years of service to Washington County upon his retirement. Jim has set a new standard in county services and administration; we can all look forward to the bright future he has entrusted to the Board and staff of Washington County.

PERSONAL EXPLANATION
HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mrs. McCARTHY of New York. Mr. Speaker, I was unavoidably absent on March 26, 2012. If I were present, I would have voted on the following:

H.R. 2779—To exempt inter-affiliate swaps from certain regulatory requirements put in place by Dodd-Frank Wall Street Reform and Consumer Protection Act, rollcall No. 127: “yea.”


On Approving the Journal, rollcall No. 129: “aye.”

RECOGNIZING RICHARD K. LAI ON RECEIVING THE U.S. SMALL BUSINESS ADMINISTRATION 2012 SMALL BUSINESS PERSON OF THE YEAR AWARD

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Mr. Richard K. Lai for receiving the U.S. Small Business Administration 2012 Small Business Person of the Year Award. Richard is the Chief Executive Officer of Wing On Corporation, a family-owned company operating five restaurants in Guam and the Commonwealth of the Northern Mariana Islands.

Richard migrated to Guam from Hong Kong at the age of 16. He received his Bachelor of Science degree in Mechanical Engineering from the University of Washington, where he graduated with honors. In 1987, Richard returned to Guam to help his mother, Shirley Lai, run her coffee shop in Guam’s capital of Hagatna. As the Chief Executive Officer of Wing On Corporation, Richard oversaw the expansion of Shirley’s Coffee Shop from a single 28-seat coffee shop with four employees to a franchise with 212 employees operating four restaurants in Guam and one in the CNMI. He also opened Samurai Teppenyaki Japanese Restaurant in 2006 to expand Wing On Corporation’s product offerings. Samurai offers Japanese-fusion meals for residents and tourists in the heart of Guam’s tourism center, and currently has a staff of 62 employees.

Richard is also an active member of our community, and he contributes to many charitable organizations. As an advocate of sports on Guam, Richard serves as the president of the Guam Football Association (GFA). Under his leadership, the organization has expanded significantly to become the largest sports development organization on Guam. Richard’s leadership has substantially raised the bar for athletes, from amateurs to professionals, to harness their talents and love for sports. In the last 10 years, his tireless efforts have garnered international recognition of Guam athletes for competitive titles, and this momentum grows each year.

Richard is a proven business leader in our community, and he continues to set the example for the next generation of small business leaders on Guam. On behalf of the people of Guam, I congratulate Richard Lai and his family on receiving this national recognition as the 2012 Small Business Person of the Year. I wish him many years of continued success.
IN RECOGNITION OF THE LOUISVILLE METRO HUMAN RELATIONS COMMISSION’S 50TH ANNIVERSARY

HON. JOHN A. YARMUTH
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. YARMUTH. Mr. Speaker, I rise today in honor of the Louisville Metro Human Relations Commission, which celebrates its 50th anniversary today.

More than two years before the passage of the Civil Rights Act of 1964, the city of Louisville asserted itself as a voice of compassion and reason in the face of hate, building on a recent history of social progress by passing an ordinance to formally condemn racial and religious discrimination.

The ordinance referred to elements that are “contrary to public policy and detrimental to the peace, progress, and welfare of the city,” and in doing so created a city agency to monitor and adjudicate discrimination in public accommodations at a time when Louisville—and much of the country—was working to fully integrate schools, housing, neighborhoods, and public employment.

Over the past 50 years, the Commission has helped preserve and advance that history of progress, serving as a conscience for our community and protecting our citizens from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation.

It has been a primary force in building a safe and supportive community where diversity is not only accepted, but embraced.

Mr. Speaker, I congratulate the Louisville Metro Human Relations Commission on 50 years of important work, and I look forward to another 50.

RECOGNIZING THE NATIONAL CHERRY BLOSSOM FESTIVAL AND THE CENTENNIAL CELEBRATION

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the National Cherry Blossom Festival and the Centennial Celebration, commemorating the 100-year anniversary of the gift of trees and the enduring friendship between the United States and Japan.

Each year, the National Cherry Blossom Festival heralds the coming of spring and produces diverse and creative programming promoting traditional and contemporary arts and culture, natural beauty, and community spirit, showcasing the best of Washington, DC to the world.

More than one hundred years ago, the combined vision of unlikely partners led to the world-renowned majestic cherry trees that line the Tidal Basin in our nation’s capital. Eliza Chinda, wife of the Japanese ambassador, planted the first two trees at the Tidal Basin.

Today, the trees are a national treasure enjoyed by millions, and, as First Lady Taft envisioned, a wonderful backdrop for cultural and community events of all kinds.

Today, the National Cherry Blossom Festival unites the region for over one million visitors each spring, who look forward to signature events like the National Cherry Blossom Festival Parade, world-class entertainment, cultural performances and more, primarily free and open to the public. Our Nation’s greatest cultural institutions participate, including the National Gallery of Art, The Kennedy Center, and Smithsonian, with over 50 area organizations participating in total.

The National Cherry Blossom Festival greatly benefits the nation’s capital. The Festival generates over $126 million annually for Washington, DC, and has received many accolades and international recognition.

Among the many special commemorative initiatives to mark the historic Centennial Celebration, the Government of Japan has designated the Centennial Celebration an official anniversary event. The United States Postal Service has issued Cherry Blossom Centennial Forever stamps, and the American Bus Association has named the Centennial Celebration the top event for group travel in 2012.

Millions of people have enjoyed the National Cherry Blossom Festival, and will continue to create cherished memories here in the years to come.

Mr. Speaker, I ask the House of Representatives to join me in recognizing the work of the National Cherry Blossom Festival and the message of peace, friendship, and international understanding it carries on each year during the Nation’s greatest springtime celebration.

RECOGNIZING THE IMPORTANCE OF NATIONAL PRESCRIPTION DRUG AWARENESS MONTH

HON. JERRY McNERNEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. McNERNEY. Mr. Speaker, I ask my colleagues to join me in recognizing the importance of National Prescription Drug Awareness Month.

Throughout California, March is recognized as National Prescription Drug Awareness Month. The purpose of this initiative is to increase community awareness about the dangers that many medications may pose if not used properly.

Recently, the Centers for Disease Control and Prevention declared prescription drug abuse to be a national epidemic. In 2008, approximately 16,000 deaths resulted from prescription drug overdoses. In 2009, 1.2 million emergency department visits were related to misuse or abuse of pharmaceuticals. These numbers are tragic and unacceptable, and we must make every effort to address the issue.

Fortunately, the National Coalition Against Prescription Drug Abuse, NCAPDA, is leading the effort to combat this epidemic. NCAPDA is hosting a variety of events in California this month to help raise awareness and public engagement in the battle against prescription drug abuse. Education plays a critical role helping children, young adults, and their parents to avoid prescription drug abuse, and education serves an important first step to combating this serious problem.

I ask my colleagues to join me in recognizing the important work of the NCAPDA and the role National Prescription Drug Awareness Month can play in preventing the loss of loved ones across the country.

HONORING JEFFREY L. KLEIN CEO OF THE JEWISH FEDERATION OF PALM BEACH COUNTY

HON. THEODORE E. DEUTCH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of Jeffrey L. Klein, on the occasion of his 25th Anniversary as CEO of the Jewish Federation of Palm Beach County. His years of dedicated service have been instrumental in building a vibrant, diverse Jewish community in Palm Beach County and throughout South Florida. It is truly an honor to represent him in the United States Congress.

The Jewish Federation of Palm Beach County would not be what it is today without Mr. Klein’s visionary leadership. During his tenure, the organization grew dramatically to include two state-of-the-art campuses in West Palm Beach and in Boynton Beach. In addition, the Federation was able to unveil many new programs to promote leadership, assist seniors, and educate teens about their Jewish heritage. Perhaps most importantly, Mr. Klein’s efforts have led to the creation of programs that go beyond South Florida to strengthen ties to the global Jewish community in Israel, Ethiopia, and the former Soviet Union.

It is a privilege to represent an individual who has done so much to promote the welfare of the Jewish community across the world. I applaud his efforts, and I look forward to his and the Federation’s good work for years to come.

Congratulations to Jeffrey Klein, together with his wife Carla, his children, and his grandchildren, as they celebrate this well deserved honor.

RECOGNIZING ELVIN YU-LING DUNCAN CHIANG ON BEING NAMED THE 2012 U.S. SMALL BUSINESS ADMINISTRATION’S FINANCIAL SERVICES CHAMPION OF THE YEAR

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Elvin Yu-Ling Duncan Chiang
for his years of outstanding business leadership and community involvement on Guam. Mr. Chiang is the senior advisor and immediate past country managing partner of Ernst & Young LLP, Guam and Micronesia. He was recently named the Guam Financial Services Champion of the Year for 2012 by the U.S. Small Business Administration.

Mr. Chiang graduated from Sophia University in Tokyo, Japan in 1977 with a Bachelor of Science degree in Economics and Business Administration. While attending college in Japan, he served as the controller and director of Shinyo Enterprises, Ltd’s Tokyo, Japan and Guam offices. In 1978, he enrolled at the University of Puget Sound in Puget Sound, Washington, and received his Bachelor of Applied Science degree in Account in 1980. He went on to receive a Masters of Business Administration with an emphasis in Business Administration in 1982.

Following graduation, Mr. Chiang relocated to Guam and joined KPMG as an auditor until 1984. From 1985 to 1987, he taught at the University of Guam as an assistant professor of accounting. He served as the chief financial officer of Sigallo Pac. Ltd., Guam from 1987 to 1989. He then went on to work for Ernst & Young, LLP where he currently serves as the Senior Advisor and immediate past Country Managing Partner for Guam and Micronesia.

In addition to his extensive business career, Mr. Chiang is actively involved in numerous community organizations on Guam. He has served as President of the Rotary Club of Guam, Vice President and Treasurer of the Chinese Chamber of Commerce of Guam, and Chairman and member of the Advisory Council of the University of Guam School of Business and Public Administration. Further, he has been a member of the Advisory Council of the Guam Community College, a member and former Treasurer of the Board of Trustees for St. John’s School, and has been a board member of the Chinese School Foundation.

I congratulate Elvin Yu-Ling Duncan Chiang on being named the 2012 U.S. Small Business Administration’s Financial Services Champion of the Year for Guam. I join the people of Guam in commending him on this award and his many contributions to our community.

PERSONAL EXPLANATION

HON. TODD AKIN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. AKIN. Mr. Speaker, on rollcall No. 127, 128 and 129, I was delayed and unable to vote. Had I been present I would have voted “aye” on all three.

RECOGNIZING COMMUNITY POWERED REVITALIZATION

HON. KENNY MARCHANT
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize 6 Stones Mission Network and the cities of Hurst, Euless and Bedford for their philanthropic project, Community Powered Revitalization (CPR).

In the midst of celebrating its 100th anniversary, First Baptist Church of Euless found itself on the brink of insolvency and without a leader. The massive debt and red ink on day-to-day expenses left little hope for repayment. Instead of closing its doors, the church began reverently praying for a miracle.

Within 27 months, six million dollars of debt was paid off and all other IOUs fulfilled—a miracle indeed. Overcoming this significant internal trial shifted the church’s financial perspective towards helping others. Their newfound surplus resources allowed the church to readily respond when the City of Euless needed assistance with a home revitalization project in 2008. After finishing their first home renovation, the church gained vision for a new non-profit, 6 Stones Mission Network. Launched in January 2009, 6 Stones is a coalition of cities, local churches and businesses collaborating to meet the needs of those throughout Tarrant County.

CPR actually began in 2008 when Gary McKeam, City Manager of Euless, presented two churches the opportunity to help two families that required substantial assistance in maintaining their homes. They both were in great need, but just did not have the resources, expertise or wherewithal to keep the homes up to code. The City of Euless had established a Leadership Team of employees representing every department of the city to not just lead, but to create and develop the program. This was done in partnership with area churches, businesses and other organizations that wanted to impact the community. That program was called Euless Revitalization. The First Baptist Church of Euless, realizing the many other growing needs in the community, launched a non-profit called 6 Stones Mission Network. Its purpose was to renovate homes, as well as to meet needs throughout Hurst, Euless and Bedford.

Then in the summer of 2010, the invitation was extended to Bedford and Hurst to partner with 6 Stones and the City of Euless, to help homeowners in their cities as well. That was the birth of CPR.

The CPR project uses effective partnerships with the cities of Euless, Bedford and Hurst to help struggling homeowners with costly, necessary improvements. In the spring of 2011, the project surpassed the benchmark of assisting 100 homeowners in despair. While their service was primarily done by volunteers, CPR “Blitz” events take place annually, which involve a large volunteer base working together to impact several homes within two days. The product of one community’s victory over financial woes is now breathing life into struggling communities across the 24th Congressional District of Texas.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking 6 Stones Mission Network and the cities of Hurst, Euless, and Bedford for their selfless service to our communities. I am honored to represent these great cities and to share their story with my colleagues in Congress.

RECOGNIZING PETER R. SGRO ON RECEIVING THE 2012 U.S. SMALL BUSINESS ADMINISTRATION’S ENTREPRENEURIAL SUCCESS AWARD FOR GUAM

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. SGRO. Mr. Speaker, I rise today to commend and congratulate Mr. Peter R. Sgro on being awarded the 2012 U.S. Small Business Administration’s Entrepreneurial Success Award for Guam. Mr. Sgro is the President and Chairman of the Board of International Group, Inc., the President and Chairman of the Board of Pacific Rim Brokers, Inc., and the Principal Broker of International Reality.

As the President and Chairman of the Board of International Group, Inc., a consulting firm that provides business development services and similar services in the financial services, real estate, energy, and information technology industries, Mr. Sgro has built important relationships between Guam businesses and organizations throughout the United States and the Philippines. Under his leadership, International Group has assisted clients in securing more than $20 million in business development loans.

Mr. Sgro also serves as the President and Chairman of the Board of Pacific Rim Brokers, Inc., a wholesale food distribution company that provides more than 200 product lines to local businesses on Guam. Since his election to this position in January of 2011, Pacific Rim Brokers has increased sales by 12 percent and hired 35 percent more employees, despite difficult economic environments.

In 2006, Peter Sgro established the Guam Hospital Development Forum, which was comprised of cross-section of local experts and stakeholders, to develop a business plan to construct a privately owned and managed hospital on Guam. One year later, in 2007, Mr. Sgro and his wife Kathy, founded the Guam Healthcare and Development Foundation to implement this business plan. As the Foundation’s President and Chairman, Mr. Sgro has secured full funding from national and international investors, and a groundbreaking ceremony on this private hospital was held in February of 2012. This new, state of the art facility will provide more than 300 hospital beds for local patients and is expected to open in 2014.

Mr. Sgro is also an active member in our community. He has served on the University of Guam’s Small Business Administration’s President and Chairman of the Board of Directors, and the Guam Visitors Bureau Board of Directors. During his tenure as the Chairman of the Guam Chamber of Commerce Board of Directors, Mr. Sgro established the Guam Business Hall of Fame to recognize local business leaders who have made outstanding contributions to their profession and to Guam’s community. This recognition ceremony continues to be an annual tradition of the Chamber of Commerce. Mr. Sgro is married to Katherine Calvo Sgro and they have four children: Christopher, Matthew, Katarina, and Margaret. He is a 1981 graduate of the University of Portland, where he received a Bachelor of Business Administration degree in management and marketing. In
1984, Mr. Sgro received his Juris Doctorate degree from the University of Notre Dame. He is also a licensed real estate broker on Guam. I congratulate Peter R. Sgro, Jr. on receiving the 2012 U.S. Small Business Administration’s Entrepreneurial Success Award for Guam. I join the people of Guam in commending him for his award and thanking him for his contributions to our community.

13TH DISTRICT CONGRESSIONAL LAW ENFORCEMENT AWARDS (CLEA)

HON. VERN BUCHANAN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. BUCHANAN. Mr. Speaker, I rise today to pay tribute to law enforcement men and women who have provided distinctive service to the people of Florida’s 13th Congressional District.

Law enforcement is a demanding profession that requires sacrifice, courage and a dedication to serve others. Every day, brave men and women put themselves in harm’s way to enforce the laws of our society and protect public safety. They deserve our gratitude and respect.

This year, I established the 13th District Congressional Law Enforcement Awards, CLEA, to give special recognition to law enforcement officers, departments, or units for exceptional achievement.

On behalf of the people of Florida’s 13th District, I congratulate the following winners chosen by an independent panel comprised of current and retired law enforcement personnel representing a cross-section of the district’s law enforcement community.

Patrolman 1st Class Justin Wyatt of the Wauchula, Florida Police Department received the Above and Beyond the Call of Duty and the Congressional Law Enforcement Officer of the Year Awards.

Deputy Steven Shem of the Hardee County Sheriff’s Office received the Above and Beyond the Call of Duty and the Congressional Law Enforcement Officer of the Year Awards.

Detective Salvatore Levita of the Manatee County Sheriff’s Office received the Above and Beyond the Call of Duty Award.

Trooper John B. McGrade of the Florida Highway Patrol received the Above and Beyond the Call of Duty Award.

Detective Michael A. Dumer of the Sarasota County Sheriff’s Office received the Dedication and Professionalism Award.

Detective Michael Magee of the Bradenton Police Department received the Dedication and Professionalism Award.

Special Agent Steve Lieberman of the Florida Department of Law Enforcement received the Dedication and Professionalism Award.

Special Agent Jim Vogt of the Florida Department of Law Enforcement received the Career Service Award.

The Venice Florida Police Department received the Unit Citation Award.

Government Analyst Kelly Andriano of the Florida Department of Law Enforcement received the Vocational Service Award.

I offer my sincere appreciation for the service and dedication of these outstanding law enforcement officers. I appreciate the law enforcement agencies that made such outstanding nominations and panel that judged them.

I believe these awards are a fitting tribute to our officers and a reminder of the important role they play in our communities.

HONORING THE POLICE UNITY TOUR’S FIFTEENTH ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Police Unity Tour and its riders as they mark their Fifteenth Anniversary.

In May of 1997, the Police Unity Tour was organized to raise awareness of law enforcement officers who have died in the line of duty and to honor their sacrifices. The Tour, the inspiration of Florham Park, New Jersey Police Officer Patrick P. Montoucre, currently Florham Park Police Chief, has grown significantly since its first year. New chapters have formed in many states, including New York, Florida, Delaware and California.

During National Police Week, participants in the Police Unity Tour travel 300 miles by bicycle from New Jersey to the National Law Enforcement Officer’s Memorial in Washington D.C. The tour culminates in a candlelight vigil held in Washington DC at the Memorial where the names of newly added officers are read aloud and officially dedicated on the monument. This ceremony reminds the participants that their important work is never done.

To honor fallen officers who have fallen in the line of duty, the ride helps raise funds for the National Law Enforcement Officer’s Memorial Fund. Since 1997, the Police Unity Tour has raised $10 million for the Fund, going towards the task of adding officers’ names to the Memorial’s Hall of Remembrance and providing for renovations to the facility.

From 18 participants raising $18,000 for the Fund in its first year, the Police Unity Tour has grown to over 1,200 riders who raised $1.325 million in 2011 alone. Inspired by its motto, “We Ride for Those Who Died,” participants come from over 40 states as well as a number of countries such as Australia, Israel and India. However different the backgrounds of these officers may be, they all share in the common purpose of honoring and remembering their fellow fallen officers.

The National Law Enforcement Officer’s Memorial contains the names of 19,000 officers who have sacrificed their lives to keep our communities safe and the contributions of the Police Unity Tour have helped preserve their memory. In 2006, The Police Unity Tour pledged to raise $5 million to restore the Memorial and in 2009 the restoration was completed, ensuring that the names and legacies of these officers will never be forgotten.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Police Unity Tour and the law enforcement officers who participate in it, as they mark 15 years of devotion to the law enforcement community.

RECOGNIZING MARK ZHAO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION’S MINORITY SMALL BUSINESS CHAMPION OF THE YEAR FOR 2012

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Mark M. Y. Zhao for receiving the U.S. Small Business Administration’s 2012 Minority Small Business Champion of the Year Award. Mark is the Executive Director of the Westpac Institute of Management on Guam, and has a strong background in banking and finance.

Mark graduated from the University of Guam in 1986 and soon became a banking officer for the Bank of Hawaii. In this capacity, he worked hard to develop and grow Guam’s access to the Chinese market. Mark worked to meet the needs of small business owners by eliminating language and cultural barriers that existed between the bank and its customers of Chinese descent. These efforts earned him the position of Vice President for Corporate Lending at the Bank of Hawaii, which he held until 2001.

Following his banking career, Mark used his financial and entrepreneurial expertise to establish the Westpac Institute on Guam. This institute has helped hundreds of entrepreneurs in the local community, especially the minority segments on Guam, by providing them with the education and resources needed to develop their skills.

Further, Mark is an active member of the Chinese Chamber of Commerce on Guam, where he serves as the Chairman of the Real Estate and Education Committees. He also uses his expertise to promote programs that support the education of our young people and the development of Guam’s economy. Additionally, Mark is a member of the Governor’s Council of Economic Advisers and a Life Member of the Navy League of the United States.

I commend Mr. Mark M. Y. Zhao for his work in addressing the needs of Guam’s small business community, and for being named the SBA’s Minority Small Business Champion of the Year for 2012. I join our island in thanking him for his contributions to our community, and I wish him continued success with the Westpac Institute.

PAYING TRIBUTE TO COMMAND SERGEANT MAJOR RICKY YATES

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2012

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Command Sergeant Major Ricky Yates. His service to our Nation is the standard by which all U.S. Army Aviation Command Sergeant Major careers are measured. His ability to develop solutions to complex and inter-related problems coupled with his unequalled leadership, technical expertise and devotion to duty set him
apart from his peers. From his time as a helicopter repairman in an Aviation Battalion serving in peacetime and in combat, to his capstone assignment as the Command Sergeant Major of the U.S. Army Aviation and Missile Command, Command Sergeant Major Yates was recognized with the same superlativity by every Airman he led. He is a true Non-Commissioned Officer with whom they have ever served.

Command Sergeant Major Yates served our Nation for over 3 decades, at all levels of leadership which allowed him to capitalize on his talents and abilities to serve Soldiers, his unit, the Army and his country at every opportunity. He is truly a selfless servant, caring only about the welfare of others and never seeking accolades for himself. He demonstrated the capacity to be a transformative leader in an organization even when he was new to the unit and the mission. In the execution of his duties, he was recognized for his unequalled ability to diagnose maintenance problems and determine repair requirements.

Command Sergeant Major Yates first demonstrated his organizational ability in combat while assigned as First Sergeant in Task Force 118, a ground-breaking special operations aviation unit, during Operation Prime Chance. Operation Prime Chance was a United States Special Operations Command operation intended to protect U.S. flagged oil tankers from Iranian attack during the Iran-Iraq War. This operation pioneered the first use of OH-58D Helicopters in ship board based combat operations.

During his Divisional assignments, he was noted by all levels within his chain of command as the single best Aviation Maintenance NCO with whom they had ever worked and as the “epitome of commitment to maintenance excellence.” One outstanding feature of CSM Yates career is his constant service in the toughest units in the Army. During his career, CSM Yates served in the 1st Armored Division, 1st Cavalry Division, 24th Infantry Division, 25th Infantry Division, and the 82d Airborne Division. He served for 21 total years at Fort Bragg, earning Jumpmaster Wings and the Combat Action Badge while deploying in support of Operations Prime Chance, Desert Shield & Desert Storm, Enduring Freedom, and Iraqi Freedom.

Because of his proven record in solving strategic level problems and his unparalleled expertise in Aviation Maintenance, Command Sergeant Major Yates was selected by the Commanding General of the U.S. Army Aviation and Missile Command (AMCOM) to be the AMCOM Command Sergeant Major, the senior Aviation Maintenance NCO in the Army. He immediately became an invaluable member of the AMCOM team, and his leadership in Aviation Maintenance was crucial in the organization’s support to Operation Iraqi Freedom, Operation Enduring Freedom, and Operations over the Horizon (OTH).

During his tenure as AMCOM CSM, he personally worked multiple initiatives that proved crucial to supporting Warfighters. When AMCOM was tasked to assume the supply and maintenance management mission at Fort Rucker, CSM Yates assisted in identifying the necessary green suit structure needed to properly support the large force of contractor personnel. Stated simply, if any portion of AMCOM required senior leadership attention, CSM Yates provided it, and always provided sound, timely, and well researched advice to the three Commanding Generals he served.

In support to the Global War on Terrorism, Command Sergeant Major Yates made multiple visits to the CENTCOM Area of Operations to assist the Combat Aviation Brigades and the Aviation Logistics hubs. He spent months in Iraq and Afghanistan, operating independently and by his own initiative to provide direct support from AMCOM to the Aviation Brigades. He was the eyes and ears of the commander to the field, gathering information on how best AMCOM could support units in the field. Likewise, he was the voice of the Commanding General, ensuring standardization to maintenance and logistics practices across the Army, focused on the areas that most significantly affected the Aviation Soldier.

From the individual Soldier to the highest echelons of Army Aviation, Command Sergeant Major Ricky Yates demonstrated a technical prowess, unyielding devotion to the Army’s mission, transformational leadership, and unwavering support to the Soldier. He reached the pinnacle of his profession, and was truly the best Command Sergeant Major to have ever done his job.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Command Sergeant Major Ricky Yates’ exceptional service, dedication and devotion to duty, leadership, and professional competency. He exemplifies the tradition of service and reflects great credit upon himself, the Department of the Army, and the United States of America. May he know that his Nation is greatly appreciative of his dedication, and wishes him the best in all his future endeavors.

90TH ANNIVERSARY OF THE MODESTO LIONS CLUB

HON. JEFF DENHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. DENHAM. Mr. Speaker, I rise today to recognize and applaud the Modesto Lions Club on their 90th Anniversary. This dedicated service club should be commended for their leadership.

In the early 1920’s, there were few community service clubs; however, 43 prominent business owners in Modesto joined to establish the first Lions Club in Stanislaus County. This core of movers & shakers became the ‘Booster Club’ of their fair city, Modesto.

In 1990, Joe and his brothers founded Island Tinting to provide the people of Guam with low-cost services for tinting vehicles as well as residential and commercial properties. This company served Guam for almost 20 years, and became the basis for the family’s new venture, East Island Tinting, which was established in 2008. Over the years, the company has increased their service to their customers by providing more staffing and a convenient location to serve them. East Island Tinting has expanded to two locations and its services have grown from one line of automotive tint film to an array of films that cater to a diverse customer base on Guam. The company also recently opened its newly renovated facility in East Agana, Guam, which includes custom detailing services. Further, in 2010, the company was recognized by the Guam Small Business Development Center for their continued success as a small business.

Joe is also an active member in our island’s community. He has served as a volunteer soccer coach for the Shipyard Wolverines soccer club, and has helped develop hundreds of players over the years. He also served as Chairman of the Small Business Committee in the Guam Contractors Association, and has volunteered in several parent-teacher organizations on Guam.

I commend Mr. Joseph Roberto for his efforts in growing and expanding his family’s business, and for receiving the SBA's 2012 Jeffrey Butland Family-Owned Business of the Year award. I commend Mr. Joe for his many contributions to our community, and wish him continued success.

PERSONAL EXPLANATION

HON. MIKE McIntyre
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. McIntyre. Mr. Speaker, I was unexpectedly unable to make votes on March 26, 2012. Had I been present, I would have voted “yes” on rollcall Vote Numbers 127, 128, 129.
HONORING THE HEROES OF THE FORT KENT FIRE

HON. MICHAEL H. MICHAUD
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the people of Fort Kent, and the surrounding communities, who responded so admirably to the massive fire in downtown Fort Kent.

In the early morning of March 25, 2012, a massive fire erupted in Fort Kent, Maine destroying several downtown buildings and damaging local businesses. Although these buildings contained numerous apartments, there was mercifully no loss of life. That is because of the heroic efforts of eight local fire departments, the Fort Kent Police, and a town employee who first spotted the flames.

Tenants living on the second floor of the Nadeau’s House of Furniture building were evacuated with only minutes to spare as the fire quickly spread. The heat was strong enough to damage businesses located across the street and melt nearby street signs. Moreover, it took thousands of gallons of water, pumped from the St. John River, to finally quell the flames.

The heroism of the Fort Kent Volunteer Fire Department and fire crews from St. Agatha, Frenchville, Madawaska, North Lakes, Eagle Lake, St. Francois, New Brunswick and Clair, New Brunswick cannot be overstated. Neither can the bravery of Matt Bard who first alerted authorities, Tony Enerva and Richard Martin of the Fort Kent Police Department who were among the first on the scene, the Fort Kent Ambulance Service, or the scores of others who helped avert an even greater tragedy.

I am grateful to the Pine Tree Chapter of the Salvation Army for providing such immediate relief to the displaced families. I am also extremely heartened by the outpouring of support that has come from the Fort Kent community. Local business leaders have already launched a fundraising campaign to further assist those who lost their belongings in the fire. I know that their combined strength will bring the town through this difficult time.

Mr. Speaker, please join me in honoring all the heroes who responded to the Fort Kent fire.

RECOGNIZING BENJAMIN C. PABLO ON BEING NAMED THE U.S. SMALL BUSINESS ADMINISTRATION’S VETERAN SMALL BUSINESS CHAMPION OF THE YEAR FOR 2012

HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Benjamin C. Pablo for receiving the U.S. Small Business Administration’s 2012 Veteran Small Business Champion of the Year Award. Ben is a United States Army veteran who served for 22 years, and is currently the Vice President and Community Development Officer at the Bank of Guam, where he is fondly referred to as its “veteran ambassador.”

Ben has worked to create educational opportunities for veterans and servicemembers interested in simplifying their finances or opening up a small business. Most notably, in 2010, he helped establish the Guam Veterans Business Outreach Center, which provides resources and training workshops to veterans. Through the outreach center, Ben consults with local veterans on credit and lending criteria and also shares his expertise in creating and developing a successful business plan. Further, the Bank of Guam’s ability to administer SBA Patriot Express Loans to assist veteran clients and members of the military community in creating or expanding their small business.

Additionally, Ben devotes his time to participating in community service activities and civic organizations. He played an instrumental role in helping the Vietnam Veterans of Guam Chapter 668 in obtaining donations from the bank and other organizations to construct the Vietnam Veterans Memorial Walls, to memorialize the servicemembers from Guam killed during the Vietnam War. He also serves as the treasurer for Catholic Social Services (CSS) on Guam, and has been a board member for seven years. CSS is a nonprofit organization that provides numerous services to Guam’s most vulnerable residents, including many veterans.

I commend Mr. Benjamin C. Pablo for working to improve veterans’ business opportunities on Guam and for being SBA’s Veteran Small Business Champion of the Year for 2012. I join our island in thanking him for his service to the many citizens whose lives have been saved by being forewarned by his forecasts.

RECOGNITION FOR THE PUBLIC SERVICE OF WILLIAM F. BUNTING

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor a remarkable individual, admired for his public service and expert contributions to meteorology and weather forecasting, Mr. William F. Bunting.

Mr. Bunting is an esteemed veteran of his field. His more than 25 years of experience as a forecaster at the National Weather Service, for his commitment to the study and understanding of meteorology and for his service to the many citizens whose lives have been saved by being forewarned by his forecasts.

Ms. OETERS currently serves as the Corporate Vice President of Government and Community Relations for Baptist Health South Florida, the largest not-for-profit healthcare organization in the region. As Corporate Vice President, Ms. Oeters is responsible for strategic planning of government and community relations, developing a state and federal legislative agenda consisting of health-care funding, insurance regulation, and general health policy development.

Additionally, Ms. Oeters serves on many community boards including the Greater Miami Chamber of Commerce, where she will assume the position of Chairman in June 2012. She also serves on the boards of Beacon Council, United Way, Nat Moore Foundation, Orange Bowl, among many others. From 2003 to 2008, she was Chairman of the Board of the Neurologically Injured Compensation Fund for the State of Florida, a billion dollar fund responsible for caring for children injured at birth. Ms. Oeters is a founding member and former Chairman of the President’s Council of 100 for Florida International University.

Ms. Oeters has been a long-time supporter of the American Red Cross and was Chairman of the Board for Greater Miami and the Keys Chapter for three years. Amongst her countless duties she has chaired the Spectrum Awards for Women since 1997. She was recently recognized for her community service by receiving “The Champion of Fundraising Award” and “Building our Community Humanitarian of the Year Award” from the March of...
HON. JANICE HAHN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. Speaker. I rise today in honor of the Faith & Politics Institute’s 12th Annual Congressional Civil Rights Pilgrimage to Birmingham, Selma and Montgomery, Alabama, which I had the great privilege of joining.

This pilgrimage was about coming together—not as Democrats and Republicans—but as Americans, as men and women who believe somehow and some way that we have a chance to create the American community. The non-violent and peaceful Americans who risked so much simply to have the government honor their rights under our Constitution reminds me of what it means to be a patriot. In the face of brutal beatings, fire hoses, cattle prods, trampling by horses and in some cases death, these heroes forced America to face its past and present, and change the way it treated its own citizens.

Our pilgrimage included visits to many historic places in Alabama that changed the course of history for all Americans. In Montgomery, we visited Dexter Avenue King Memorial Baptist Church where Dr. Martin Luther King, Jr. began his ministry and the parish house where he and his family lived through two bombings. Other visits in Montgomery included First Baptist Church where the Rev. Dr. Ralph Abernathy served as pastor, the Southern Poverty Law Center, the Rosa Parks Museum and the Capitol—the building from which Governor George Wallace declared he would uphold segregation laws and on whose steps the Voting Rights March culminated.

My father, Kenny Hahn, took an enormous risk early in his public career to welcome Martin Luther King Jr. to Los Angeles. He did it because it was the right thing to do. This trip reminded me how important it was to stand up for what you believe, like my father did in 1961, and throughout his career. We must live up to the example set for us by leaders of the Civil Rights era by continuing the fight for social justice and for the rights of all Americans. I would hope that every member of Congress would choose to disappear during their career and that each American learns more about a group of men and women who stood up for and changed our nation.

12TH ANNUAL CONGRESSIONAL CIVIL RIGHTS PILGRIMAGE
HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. PAUL. Mr. Speaker, one of the great economic fallacies of our time is that if government doesn’t do something, no one will. This disastrous fallacy underlies much of our national debate concerning health care, education, poverty, housing, and disaster relief, to name just a few issues. But today I rise to applaud an organization that stands in stark refutation of that fallacy. Convoy of Hope, a private charity in Springfield, Missouri, does so much to help so many communities that the term “charity” doesn’t even begin to describe it. In fact, Convoy of Hope is equal parts grocer, clothier, health care provider, first responder, educator, and logistics expert. It works with communities in America and around the world bringing together local charities, businesses, churches, and government agencies to alleviate poverty and help people in the wake of disasters.

In other words, it is a real community organizer! The tremendous scope of its activities serves as a reminder that government is neither the sole nor the best provider of goods and services to people in need.

Mr. Speaker, I recently had the privilege of touring Convoy of Hope’s headquarters and distribution center. It was a humbling but deeply encouraging experience, as I learned the full extent of its charitable outreach. Frankly I’ve never seen an organization so focused, efficient, and poised to do tremendous good for so many people.

First, some background: Convoy of Hope was founded by Hal and David Donaldson in 1994, who as young boys suffered the death of their father and subsequent poverty. But both men were struck by the outsizing of support their family received during that time; local churches and the community provided food and shelter. As a result, the two brothers both developed a deep sense of responsibility to help others in need.

In the years since, Convoy of Hope has helped more than 50 million individuals in more than 100 countries—giving away nearly $300 million worth of food and supplies in the process.

Today, Convoy of Hope describes its mission as a global movement focused on four keys:

Children’s feeding initiatives: the organization’s overriding goal is to alleviate child hunger worldwide, providing food and clean water while also teaching agricultural techniques.

Community outreach: Convoy of Hope coordinates dozens of community events annually with thousands of volunteers and guests. These events involve free groceries; job and health fairs; and activities for children. As always, this outreach is available to all, without regard to age, race, physical appearance, or religion.

Disaster response: from an earthquake in Haiti to a tsunami in Indonesia to tornadoes in the American south, Convoy of Hope is a proven first responder. With its fleet of tractor trailers and high-tech mobile command center, it efficiently leverages relationships with private industry to help victims of worldwide disasters.

Partner resourcing: Convoy of Hope supports hundreds of like-minded organizations throughout the world, providing them with the food and supplies needed to help their communities. In this way Convoy of Hope consistently promotes local control, results, and accountability—while demonstrating humility and the courage to let others shine and take credit in local communities.

Unlike government bureaucracies and many top-heavy private charities, Convoy of Hope applies a uniquely results-oriented approach to helping people. You work with charities or patronage jobs at Convoy of Hope, nor will you find tony offices in New York or Los Angeles like so many nonprofits. In fact, the organization regularly spends only about 10 percent of its budget on overhead (a very low ratio in the nonprofit world), while employing a small staff of approximately 85. Watchdog group Charity Navigator consistently gives Convoy of Hope high marks for both its financial acumen and transparency.

Convoy of Hope also stretches its resources by developing strategic partnerships with private-sector corporations to provide in-kind donations of goods or services. This allows Convoy of Hope to offer a win-win proposition to prospective corporate donors: companies benefit from donating needed goods or services already in their inventory or area of expertise, while beneficiaries benefit from receiving the supplies and services it needs without paying retail prices. Its corporate donors—including Coca-Cola; Nestle; Proctor & Gamble; Nestle; Georgia Pacific; Cargill; Del Monte; and FedEx—donate everything from building supplies to bottled water to toiletries. These partnerships with successful private companies demonstrate an entrepreneurial mindset that enables Convoy of Hope to help more people with less overhead.

Its massive distribution center and headquarters are located strategically in Missouri, where its fleet of trucks can dispatch quickly anywhere in America. It also operates six international distribution centers for logistical efficiency. By contrast, many government agencies purposely locate offices and facilities in distant states as a kind of efficiency, solely to curry funding support from as many members of Congress and Senators as possible.

The next step for Convoy of Hope is an audacious one: a 50 state tour beginning in May designed to address poverty across the United States. The “Convoy of Hope Tour” will provide an average of $1 million in goods and services to a community in a single day. Convoy of Hope’s fleet of 18 wheel trucks will roll through every state, providing a wide variety of goods and practical services to those in need, including: clothing, dental care, breast cancer screenings, haircuts, family portraits, children’s activities, prayer and connections with local churches.

Finally, while Convoy of Hope is a Christian-based organization, it is nondenominational and strongly non-political in its approach, helping those in need without imposing their faith. Convoy of Hope employees simply believe their faith compels them to help their fellow man. This commonsense dictum guides infusing everything that Convoy of Hope does.

Mr. Speaker, in conclusion let me state unequivocally that Convoy of Hope is doing tremendous work on behalf of mankind. I wish...
everyone at Convoy of Hope (and their donors) best wishes for great success with their upcoming Tour. It’s hard to imagine a government agency operating as efficiently, as nimly, or even as cheerfully as Convoy of Hope. I truly believe it should serve as a model for private, nongovernmental solutions to poverty and its attendant ills.

HONORING KALEB CANALES

HON. HENRY CUELLAR
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor and recognize Mr. Kaleb Canales who was named the interim head coach for the Portland Trail Blazers of the National Basketball Association, NBA, on March 15, 2012. Mr. Canales is the youngest active head coach in the NBA and the first Mexican-American to hold this position in the league’s history.

Mr. Canales was born on July 7, 1978, in Laredo, Texas, and graduated from Alexander High School in 1996. He then went on to earn his bachelor’s degree in Kinesiology from the University of Texas at Arlington and his master’s degree in Sports Leadership from Virginia Commonwealth University. Upon completing his education, Mr. Canales moved back to Laredo and coached at Martin High School from 2001 through 2002 and United High School from 2002 through 2003.

Mr. Canales moved on to join the men’s basketball coaching staff at the University of Texas at Arlington. He worked on the UT-Arlington staff for a year before moving on to become an unpaid intern for the Portland Trail Blazers from 2004 through 2005. Mr. Canales’ career with the Trail Blazers started in 2005 when he was designated as the team’s video coordinator, a position he held until 2008. After serving as the video coordinator, Mr. Canales was promoted to assistant coach and held that title until the 15th of this month when he was named interim head coach.

His story is one of passion and persistence; one that is truly admirable that sets an example for our youth today. Mr. Canales has demonstrated that with hard work and goals, accomplishments will follow. This young Laredoan has made us all very proud and we look forward to his work in the NBA.

Mr. Speaker, I am honored to have had the opportunity to recognize Mr. Canales’ great background and accomplishments. His hard work and determination has truly had a positive impact on the Laredo and Hispanic community.

HONORING MS. MARY FINLAN

HON. MARIO DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women’s History month, I rise today to honor Ms. Mary Finlan, an exceptional individual who has served South Florida for decades.

Ms. Finlan began her work at the Greater Homestead/Florida City Chamber of Commerce in 1998, and was promoted to Executive Director a year later. Throughout her career, she has worked tirelessly for the community, earning the respect and trust of many in South Florida. After Hurricane Andrew, she worked for four years with Habitat for Humanity, Lutheran Disaster Response, and ICARE to rebuild homes and clean up the disaster. During this time, she also worked to gather volunteers and raise funds nationwide.

From 1987 to 1992, Ms. Finlan served as Executive Director of the USO of Dade and Monroe Counties headquartered on Homestead Air Force Base before Hurricane Andrew. The agency provided services to the U.S. and allied military personnel and dependents from Opa-Locka to Key West. During that time she was a member of the Military Affairs Committees of the Greater Homestead/Florida City Chamber of Commerce, the South Dade Chamber of Commerce (now Chamber South) and the Greater Miami Chamber of Commerce.

Ms. Finlan is a charter member of the Miami-Dade Defense Alliance, and works diligently on behalf of Homestead Air Reserve Base and the other military installations to protect them from closure. She currently serves as Chairman of the board of the Everglades Community Association for migrant housing. She also sits on numerous advisory councils including the Miami-Dade Farm Worker Jobs and Education Program, the board of Rural Neighborhoods, Inc., and the Industry Advisory Council of the Homestead Job Corps Center.

Mr. Speaker, I am honored to pay tribute to Ms. Mary Finlan for her continued service to the South Florida community and I ask my colleagues to join me in recognizing a remarkable individual.

HONORING JAMES KIMO CAMPBELL

HON. LYNN C. WOOLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. WOOLEY. Mr. Speaker, I rise today to honor my friend James Kimo Campbell, who passed away on February 16, 2012. Kimo, as he was known locally, has been recognized for decades as a principled leader on environmental issues, education, and social justice. I admired the values he stood for and appreciated the opportunity to work with him over the years. He was a man of conscience, and his work has benefited not only Marin County, but the entire Pacific coast.

Campbell was born in 1947 in Los Angeles. He was raised in Ewa Beach, Oahu by his grandparents, Alice Kamokila Campbell, part of a prominent Irish-Hawaiian landowning family. After studying at the venerable Punahou School in Honolulu, Campbell completed his undergraduate studies at the University of Southern California in 1966 for a journalism program at College of Marin.

It was at College of Marin that Campbell first earned recognition for his intelligence and insight, winning journalism awards and becoming editor of the college student newspaper by 1968. Mr. Campbell became involved in the earliest activities of the antinuclear and environmental movements of the late 1960s. Campbell was an active reporter and demonstrator in Vietnam war events across the San Francisco Bay area, and he served as a public voice for peace and civil liberties on the national stage.

As his work progressed, Campbell was especially effective in translating advocacy and political power into substantive change. He ran four times for a seat on the College of Marin Board of Trustees before finally winning his first, narrow election at the age of 27. From then on, he worked tirelessly to defend the interests of the students, staff, and institution he represented, and to effectively manage College of Marin through a period of modernization.

Campbell brought the same focus to a range of environmental priorities. He served on the Boards of the California League of Conservation Voters, Earthjustice, the Trust for Public Land, and other organizations. He also had a particular interest in projects supporting Hawaiian culture, including the Pohaku Fund and his home-based publishing operation, Pueo Press.

Campbell is survived by his wife, Kerry Tepperman Campbell, and his two children, Mahealani and Kawiwa Campbell.

Mr. Speaker, I ask you to join me in recognizing a man whose leadership has set an example for all of us—a man whose tireless advocacy and positive spirit teach us all a lesson in the value of ‘ohana.

OUR UNCONSCIONABLE NATIONAL DEBT CAPS

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 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 $15,586,074,570,040.79. We’ve added $4,959,197,521,227.71 to our debt in 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN REMEMBRANCE OF MRS. CECILIA ARLEEN MCINTYRE HARBISON

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a beloved educator, inspiring role model and gracious woman of faith, Mrs. Cecilia Arleen McIntyre Habison. Sadly, Mrs. Habison passed away on Wednesday, March 21, 2012. On Wednesday, March 28, 2012, Mrs. Habison’s funeral will be held in Columbus, Georgia, where her family, friends and colleagues will honor her life and legacy of good deeds.

Mrs. Habison was born on February 21, 1950, to Jesse and Emma McIntyre in Thom- asville, Georgia. Following her birth, the family moved to Montgomery, Alabama, where she attended Booker T. Washington High School and was voted “Miss Sweetheart” of her senior class. After she obtained her high school
On December 20, 1970, she married Ed Harbison at the historic Dexter Avenue Baptist Church in Montgomery, Alabama where Dr. Martin Luther King, Jr. served as a pastor from 1954 to 1960 and organized the Montgomery Bus Boycott in 1955.

In 1973, Mrs. Harbison and her husband moved to Columbus, Georgia, where she continued her college education and later graduated with a degree in early childhood education from Columbus State University. She would go on to also earn her master’s degree in counseling from Troy University. In addition to her undergraduate and graduate degrees, Mrs. Harbison also earned leadership certifications from the Georgia School Counselors Association in Crisis Intervention, Cultural Diversity, Drug and Alcohol Intervention/Prevention, and Family Counseling.

Dr. Maya Angelou once said that: “I’ve learned that you shouldn’t go through life with a catcher’s mitt on both hands; you need to be able to throw something back.” Cecilia used her life and educational skills to throw something back to her community. She served as an educator/counselor in the Muscogee County School System; public relations official in the Gwinnett County School System; and as job developer for the Georgia Department of Technical and Adult Education. She was involved in many organizations that were dedicated to helping people to reach their full potential.

Cecilia loved her family and she loved her God. She knew that these were two loves that would put you on the path to greatness. Her special relationship with God began as a young teen at Bethany Seventh Day Adventist Church in Montgomery and continued when she moved to Columbus and became affiliated with the Sheppard Drive Seventh Day Adventist Church. In her later years, she continued her relationship with God as a member of the Kingdom Metropolitan Worship Center. She was a special woman who supported her husband and children in all of their endeavors.

Cecilia was a fighter. Throughout her illness, she never gave up and kept on fighting the good fight. The Apostle Paul as he neared the end of this life penned the following words: “For I am ready to be offered and the time of my departure is at hand. I have fought the good fight, I have finished my course, and I have kept the faith: Henceforth, there is laid up for me a crown of righteousness.” Cecilia fought the good fight, finished her course and always kept the faith. And by the grace of God she has now claimed her crown.

Mr. Speaker, my wife Vivian and I, along with the almost 700,000 people in the Second Congressional District of Georgia, would like to extend our deepest sympathies to her husband, State Senator Ed Harbison, Cecilia’s children, and other family members during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

Mr. DIAZ-BALART. Mr. Speaker, in recognition of Women’s History month I rise today to honor Commissioner Rebeca Sosa, an admissible individual who has served South Florida with distinction.

Commissioner Sosa was first elected to the Miami-Dade Board of County Commissioners in June 2001 to represent the residents of District 6. She has since been re-elected three times, most recently in 2010 without opposition. Prior to joining Miami-Dade County, Commissioner Sosa served as mayor of the City of West Miami for seven years. During her tenure, the city recovered from a 52 percent budget deficit, thus removing it from the State Governor’s Emergency list. She was essential in securing more than $5 million in grants for capital improvement projects for the city, as well as improving its drainage and parks system.

Commissioner Sosa currently serves as Chair of the Miami-Dade County Economic Development and Social Services Committee. As Chair, she is responsible for providing oversight and guidance to several departments and agencies responsible for the economic development and revitalization of the community, by creating an atmosphere that promotes public and private partnerships. She is also a member of the South Florida Regional Planning Council, whose mission is to identify the long-term challenges and opportunities facing Southeast Florida. She also assists the region’s leaders in developing and implementing creative strategies that promote a more prosperous and equitable community, a healthier and cleaner environment, and a more vibrant economy.

She devotes her free time to civic activities, which include serving as the first Vice President of the Miami-Dade League of Cities, Chair of the West Miami Financial and Budget Committee, the West Miami Hurricane Preparedness Committee, among many others. Commissioner Sosa has been consistently recognized throughout her career and was recently awarded the “Government & Law” award during the 21st Annual “In the Company of Women” Award Ceremony. The award is a testament to her leadership, creativity, and vision in addressing community issues in Miami-Dade County.

Mr. Speaker, I am honored to pay tribute to Commissioner Rebeca Sosa for her continued service to the South Florida community. I ask my colleagues to join me in recognizing a dear friend and remarkable individual. I wish her continued success in her future endeavors.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise to congratulate four exceptional 10th grade students from University Laboratory High School in Urbana, Illinois.

Max Li, Gloria Ha, Roberto Chapa, and Ananth Nandakishore have exemplified amazing success with their project “MIROR” (Minimally-Invasive Robotic Orofacial Repair Technology). This is a prenatal technology that would utilize an in-womb robotic technology to repair diagnosed cleft lip or palate defects in the third trimester, effectively eliminating the scarring defect and consequently and future needs for operations or rehabilitation.

These young men and women were selected as Regional Winning Finalists in the 20th annual Toshiba/National Science Teachers Association Exploravision Program, the world’s largest K–12 student science and technology competition. They were selected from a group of 4,807 entries, representing 14,602 students from the U.S. and Canada.

I want to also thank their teacher, David Stone, for his dedication to encourage the pursuit of excellence in every student at University Laboratory High School. These outstanding students represent the best of this nation’s youth and I wish them continued success in their high school careers and beyond.

Mr. STIVERS. Mr. Speaker, today I rise to recognize Mr. Thom Haubert for his distinguished work and accomplishments as Battelle Memorial Institute’s Inventor of the Year.

The American innovator has been a cornerstone of this country’s culture and a key to our success. It is through these new ideas that our country has been able to prosper in the past, and how our country will work its way out of these challenging economic times. That is why I am happy to recognize Mr. Haubert for this great accomplishment. Thom joined Battelle, the world’s largest independent research and development organization, in 1988, and has contributed to and led important research projects. Thom’s significant impact on the world, its body of science and engineering, has resulted in numerous real world applications to help people. One of his recent and significant discoveries is in helping to detect and track cancer.

Thom is one of Battelle’s “go-to” mechanical engineers for ideation aspects of many health and life sciences programs. Over the years, he has been able to quickly identify creative, inventive, practical, and unique solutions to difficult problems. As a result of the ingenuity of his thinking and tenacity of his work,
With a strong Greek-American community in the Chicago area, the people of the 2nd Congressional district continue to celebrate the historic and cultural heritage of Greek Americans in Chicagoland and across the Nation, in addition to the new, unique, and ever changing ways they contribute to America. I am therefore happy to recognize and congratulate Greece on 191 years of independence and thank the Greek people for the substantial impact they have made not only in America, but throughout the global community.

Happy Independence Day.

CELEBRATING THE LIFE AND LEGACY OF LOU POULOS

HON. ED PASTOR
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. PASTOR of Arizona. Mr. Speaker, I ask my colleagues to join me in recognizing the life and achievements of Mr. Lou Poulos, who recently passed away. As a husband and father, as a friend and businessman, as a community trade association and church leader, Lou was an extraordinary man who cared deeply for his country, state and city and the industry that he was instrumental in shaping for half a century.

The sixth of nine children to Greek immigrants, Lou contracted polio at the age of 2. Although he received treatment as a child, Lou never regained full use of his legs and walked with crutches or used a wheelchair for the remainder of his life. Lou’s condition did not detract from his steadfast determination to live a life on his terms, not on the terms of the disease that damaged his legs. In 1929, his father and a partner started the wholesale Farmers Produce Company. Later at the end of Prohibition in 1933, the elder Poulos acquired one of the first wholesale liquor licenses in Arizona. Lou got his first taste of the business by helping his father in the Miami, Arizona office by taking orders for liquor over the phone.

Lou was widely recognized and respected in the liquor industry and the Arizona community as a whole from the time he was a young man. But he really came into his own when he developed a chain of drive-through liquor stores, which were launched from his father’s business. Farmers Liquors was the first retail liquor chain in the state, with some 15 locations throughout the Valley of the Sun. Under Lou’s management, Farmers Liquors prospered. While he was building his own business, he was mindful of the importance of all the tiers of the industry, and the impact of political legislation and the people who made those decisions.

Early on, Lou became active in the Arizona Licensed Beverage Association (ALBA), founded in 1936 to protect liquor licenses against unfair legislation. He was largely responsible for putting teeth into ALBA and against unfair legislation. He was largely responsible for putting teeth into ALBA and against unfair legislation. He was largely responsible for putting teeth into ALBA and against unfair legislation. He was largely responsible for putting teeth into ALBA and against unfair legislation. He was largely responsible for putting teeth into ALBA and against unfair legislation. He was largely responsible for putting teeth into ALBA and against unfair legislation.

In considering all of these achievements, I ask that you join me in recognizing Mr. Lou Poulos for his courageous overcoming of adversity, his many contributions to the progress and growth of Arizona and his prominent and positive influence on the state’s liquor industry.

HONORING MRS. JUANITA ADELE FRANKLIN

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. LEE of California. Mr. Speaker, I rise today with my colleague, the Hon. Ed Pastor, to honor the extraordinary life of my aunt, Mrs. Juanita Franklin. Those who knew her as wife, sister, aunt, great-aunt, great-great aunt, friend and neighbor affectionately called her “Auntie Nita” or “Sister.” As a loving partner, a second mother to many generations of nieces and nephews, and as a dedicated community member, Mrs. Franklin was known for her strong personal values and her simple approach to life. With Juanita’s passing on March 18, 2012, we are reminded of her life’s journey over the last century, and the joyful legacy she inspired.

Mrs. Juanita Adele Franklin was born to Mr. William Calhoun Parish and Mrs. Willie Edith Tillotson Parish, in El Paso, Texas on July 8, 1911. She was one of three daughters, and enjoyed growing up with her two sisters, Lois Murrell and Mildred Massey. Raised in El Paso, where she attended Douglass Elementary and High School, Mrs. Franklin went on to Huston Tillotson College in Austin, Texas, where she received a bachelor’s degree in Liberal Arts.

It was there that Mrs. Franklin met the love of her life, the late Albert Franklin. The couple exchanged vows in 1935 in San Antonio, Texas, and were married for over 50 years. Although she never had children of her own, Juanita adored her nieces and nephews and served as a generous mentor and confidant. Throughout her long life, she took great joy in watching her great and great-great nieces and nephews grow and thrive.

Over their five decades of marriage, Mr. and Mrs. Franklin resided in El Paso, TX, Portsmouth, VA, Los Angeles, Pacoima, and Oakland, CA, and Sun City, AZ. Upon the death of her husband, she moved with her youngest sister, Mildred, and spent the last eight years of her life at The Right Choice Adult Care Home in Glendale, AZ. There she...
received excellent care, established close friendships, and kept up on current events as an avid reader until her final days.

Mrs. Franklin will always be remembered for her pleasant disposition, her warm smile and her welcoming spirit. A great lover of good food and wine today—especially chocolate candy and donuts—Mrs. Franklin attributed her impressive longevity to following the Gold- en Rule, having personal integrity and eating right (without sacrificing dessert). She stressed the importance of treating everyone with respect, and some of her favorite pastimes included lively discussions with family and friends about the state of the world, as well as scenic car rides.

One of the great milestones of her life was her 100th birthday, which she celebrated last year surrounded by friends and family—along with special recognition and well wishes from President Barack Obama and First Lady Michelle Obama. Upon her homegoing, we continue the celebration of this incredible woman, who touched others’ lives in countless ways.

Today, the 9th Congressional District of California and the 4th Congressional District of Arizona salute and honor an outstanding human being, Mrs. Juanita Adele Franklin. The contributions she made throughout her life are now part of an enduring legacy. She is survived by sisters Lois Murrell and Mildred Massey; nieces BARBARA LEE, Mildred Whitfield (Calvin), and Beverly Hardy (Martin); a host of great nieces and nephews, great-great nieces and nephews, and friends. Her loved ones will continue to draw strength and comfort from the memory of her dignity, her decency, and her infinite kindness. May her soul rest in peace.

ILLINOIS WESLEYAN UNIVERSITY WOMEN’S BASKETBALL ARE NCAA DIVISION III NATIONAL CHAMPIONS

HON. TIMOTHY V. JOHNSON OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Tuesday, March 27, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Coach Mia Smith and Illinois Wesleyan University’s women’s basketball team for winning the NCAA Division III national title. The Titans capped their 28–5 season by winning the school’s sixth overall national championship and the first in women’s basketball.

The Titans were led by tournament MVP Olivia Lett, and Melissa Gardner, who set an IWU single-season record with 94 3-pointers this year.

“There wasn’t a moment in the ballgame where I felt we wouldn’t be the national champion when the buzzer sounded,” Titans coach Mia Smith said. “Even when we were down four, down five, there was not a drop of fear on the bench. That’s been that way all season. It’s reminiscent of every time we stepped on the floor.”

I’d like to also note that Coach Smith was named 2012 Schiele North America/Women’s DIII Coach of the Year. She’s compiled a 282–108 record at IWU, including a 145–51 record in the CC IW (College Conference of Illinois and Wisconsin), six league championships and seven NCAA Tournament appearances.

I would like to congratulate Mia Smith and the Illinois Wesleyan University Women’s Basketball National Champs. Their accomplishments are celebrated by their families, fans, and the entire Titan community.

TRIBUTE TO LOUISE COLLINS JOHNSON ON HER 100TH BIRTHDAY

HON. JO BONNER OF ALABAMA IN THE HOUSE OF REPRESENTATIVES Tuesday, March 27, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Louise Collins Johnson a former missionary and devoted servant of the Lord who turns 100 on March 30, 2012.

The year 1912 was a noteworthy one in history. It witnessed the first expeditions to discover the South Pole and the tragedy of the sinking of the HMS Titanic. It was also the year that Louise Collins entered the world to begin her long journey in the service of Christ.

Born in Chilton County, Alabama, Ms. Collins answered the calling of the Lord at the young age of 18 when she began teaching Sunday school. Nine years later she married Roy Johnson, and together they raised one daughter, Ann Johnson Tyrus, and shared 11 wonderful grandchildren.

Louise Johnson followed her faith to lead a life that would take her across Alabama and literally around the world. A devoted Baptist, her career included working for the Alabama Baptist Association before joining the staff of the State Assembly at Shocco Springs, Alabama, as well as working with the Southwide Assemblies at Ridgecrest, North Carolina, and Glorieta, New Mexico.

This was just the beginning, however, of her long journey in the service of the Lord. Soon after, she was called to serve needy Baptist churches in Oregon and Washington states.

Her dedication to helping others also led her to serve two terms as a relief missionary in Hawaii. Her world travels then took her to missions points in Hong Kong, Tokyo, Japan, and Manila, Philippines.

In 1968, following the death of her husband, Louise Johnson moved to Gulf Shores, Alabama, to live with her sister, Hazel Scruggs. For so many who have traveled to Baldwin County over the last 40 years, Hazel’s restaurant in Gulf Shores is a well-known landmark.

During her time in Gulf Shores, Louise Johnson served as secretary of the First Baptist Church for eight years and Sunday school teacher of the Ladies IV Class at First Baptist for 36 years. She eventually moved to Prattville, Alabama where she now lives with her daughter, Ann. Even today, as she prepares to celebrate a century on this good earth, she continues to work and express her faith.

Louise Johnson has been and continues to be a dynamic, dedicated Christian spending her life teaching others about Jesus. On behalf of the people of Alabama, I wish to congratulate Ms. Johnson on her 100th birthday and wish for her many more years of happiness.

CONGRATULATING THE INDIANA BLOOD CENTER ON ITS 60TH ANNIVERSARY

HON. ANDRE CARSON OF INDIANA IN THE HOUSE OF REPRESENTATIVES Tuesday, March 27, 2012

Mr. CARSON of Indiana. Mr. Speaker, on its sixtieth anniversary, I am proud to honor an organization that has helped save hundreds of thousands of lives through volunteer blood donations and blood component distribution to more than 60 hospitals across the state.

Indiana Blood Center was founded in 1952 and is headquartered in my district in Indianapolis. This esteemed non-profit community service organization delivers more than 700 components of blood each day and provides other vital assistance to modern medicine through specialized blood typing for organ transplants, viral marker testing, transfusion recipients, and the National Marrow Donor Program. The Center also serves as a vital link in the state’s life science and healthcare infrastructure in the areas of prostate cancer treatment, pharmaceutical research, stem cell and bone marrow donation. It is the largest independent blood center in the state and ranks among the top 20 nationally.

Indiana Blood Center is a member of America’s Blood Centers, North America’s largest network of community-based, independent and non-profit blood centers—which, coincidentally, is celebrating its 50th anniversary this year.

Every two seconds, someone, somewhere will need a transfusion and one out of every seven patients entering a hospital will need blood. Indiana Blood Center depends on the good people of Indiana and the nearly 4,000 organizations that host blood drives annually to meet the constant demand to serve the citizens of Indiana. I would like to recognize this valuable contribution to our community and congratulate Indiana Blood Center for its 60 years of faithful and dedicated stewardship of Indiana’s blood supply.

IN HONOR OF WILLIAM H. SCHNEIDER

HON. RUSSELL CARNABY OF MISSOURI IN THE HOUSE OF REPRESENTATIVES Tuesday, March 27, 2012

Mr. CARNABY of Missouri. Mr. Speaker, I rise today to recognize William H. Schneider, a World War II veteran and devoted family man. Born on August 9, 1919 in St. Louis, Missouri, he lived in North St. Louis for his first 50 years until moving to Florissant, MO where he spent the next 30 years of his life.

The son of military parents, Mr. Schneider honorably served our country during World War II. While in the U.S. Army during WWII, Mr. Schneider was in the Philippines on a Navy ship that was present at the Japanese surrender. At the end of his service, he was honorably discharged.

He took his work ethic to Complete Auto Transit, which was later part of Ryder trucking, where he worked for almost 45 years. He worked a variety of jobs over the course of his career, oftentimes working overtime to provide for his family.
And it is his family that will be his greatest legacy. He is known as a devoted and loving husband to his widow, Helen, and his current wife, Nita. His five children, twelve grandchildren, and five great-grandchildren have each known him as a caring and dedicated family man.

It is with great pride that I get to honor the life and legacy of Mr. Schneider today.

A TRIBUTE TO WOODY SMECK, SUPERINTENDENT OF THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Mr. Woody Smeck for his extraordinary service as Superintendent of the Santa Monica Mountains National Recreation Area. After 21 years of service in the park, Mr. Smeck will depart from his position in order to become the Deputy Superintendent at Yosemite National Park.

The Santa Monica Mountains National Recreation Area, the nation’s largest urban national park, consists of 153,750 acres of mixed public open space and private lands surrounded by a metropolitan region of more than 19 million people. Annual visitation to local, state and federal parks within the national recreation area exceeds 33 million visitors, making it one of the most visited recreation destinations in the country. More than 70 agencies and organizations are involved in partnership efforts to preserve open space resources and provide outdoor recreation opportunities. This level of partnership has served as a national model for other parklands and attracted the attention of key government and non-profit leaders looking to replicate the success of the Santa Monica Mountains National Recreation Area.

As Superintendent, Mr. Smeck serves on a variety of commissions and boards in Los Angeles and Ventura counties dealing with conservation of protected areas and connecting people to nature and places of historical significance. During his tenure as Superintendent, Mr. Smeck has overseen some of the largest and most significant parkland acquisitions, the development of an interagency visitor center, and the completion of the 65-mile Backbone Trail. His steadfast leadership and advocacy has increased the visibility of the Santa Monica Mountains National Recreation Area. Mr. Smeck has also hosted visits from Presidents, cabinet secretaries, Members of Congress, governors, international governments, blue ribbon commissions and environmental leaders.

Mr. Speaker, I wish to extend my heartfelt gratitude to Mr. Woody Smeck for his extraordinary service as Superintendent of the Santa Monica Mountains National Recreation Area. Under his leadership, the National Park Service has helped to promote conservation, protect the lands and acres of parkland, and enhance recreational opportunities for millions of people that visit the Santa Monica Mountains and its renowned beaches.

PAYING TRIBUTE TO MRS. REBA ROGERS
HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. ROGERS. Mr. Speaker, I rise today to honor the accomplishments of Mrs. Reba Rogers who has been an Army spouse for over 26 years. She was an integral partner in her spouse’s successful career which included commanding formations from the company level to Army Service Component. Throughout her spouse’s service, she remained steadfastly dedicated to serving soldiers and their families in many capacities, particularly as a volunteer leading Family Readiness Groups (FRG), the Army Officer Wife’s Clubs and at community thrift shops. During times of peace and conflict, she was a source of strength and inspiration to those whom she served.

Reba’s caring spirit, genuine concern and constant willingness to assist soldiers and their families no matter how small or great the need, at all hours of the day and night contributed greatly to the combat readiness and mission focus of each unit she served with. Soldiers always knew the needs of their families would be met.

Reba has actively volunteered thousands of hours to the military community through her invaluable work at community gift and thrift shops. Of special note, she was the chairperson of the Redstone Arsenal thrift shop sponsored by the Redstone Arsenal’s Women’s Club where soldiers and their families benefit from a variety of needed items. Furthermore, she also held a special seat with Huntsville, Alabama’s Crestwood Hospital helping to serve the local community as well as a key member of the Huntsville Botanical Gardens.

Over 26 years of devoted service to soldiers and families, Reba Rogers’ substantial contributions greatly enhanced the preparedness and readiness of every unit she served. Reba’s dedication and spirit of volunteerism are in keeping with the highest tradition of service to the Army, Army Materiel Command, and the Department of the Army.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Mrs. Reba Rogers for her dedicated service of 26 years. She serves as an inspiration to many and a guiding light to all. Mrs. Rogers’ dedication and spirit of volunteerism are in keeping with the highest tradition of selfless service and reflect great credit upon herself, the Army Materiel Command, and the Department of the Army.

Therefore Mr. Speaker, I ask our colleagues to join me in honoring Mrs. Reba Rogers for her dedicated service of 26 years. She serves as an inspiration to many and a guiding light to all. Mrs. Rogers’ dedication and spirit of volunteerism are in keeping with the highest tradition of selfless service and reflect great credit upon herself, the Army Materiel Command, and the Department of the Army.

HONORING ANNETTE GUMM’S SERVICE TO THE SOUTH FLORIDA COMMUNITY
HON. THEODORE E. DEUTCH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in celebration of Annette Gumm, who has dedicated herself to improving the welfare of the people of south Florida. It is truly an honor to represent Annette in the United States Congress, and it is a privilege to call her my friend.

Annette has a rich history of extraordinary service to our community. After moving to south Florida with her husband Emmett, she began to search for projects where she could help those in need. As a mother of three, Annette was inspired to volunteer at Plumosa Elementary School, as well as the Delray Community Hospital. But she still wanted to do more to serve her community and became civically engaged. In the spring of 1992 she was given the opportunity to join the campaign of Burt Aaronson, and soon became the commissioner’s administrative assistant, a position that she held for many years.

But Annette’s involvement didn’t stop there—she soon became a member of the Atlantic Democratic Club, where her energetic contributions to the community did not go unnoticed. She worked her way up the ranks, becoming treasurer, and then executive vice president of the United South County Democratic Club, an organization that strives to get south Floridians more involved with local, State, and national politics. Finally in 2006, Annette became the first woman to serve as president of the organization, and helped elect many individuals who shared her desire to help the south Florida community.

As Americans, one of our greatest responsibilities is to participate in civic life. Annette has dedicated the last 25 years to that very cause, and is truly an inspiration to all those who wish to become community leaders. I applaud her efforts, and I look forward to her continued good work.

HONORING FROZEN FOOD MONTH
HON. JAIME HERRERA BEUTLER
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 27, 2012

Ms. HERRERA BEUTLER. Mr. Speaker, today I stand in acknowledgement of Frozen Food Month, and to recognize an industry’s significant efforts to ensure families and schoolchildren across America have access to healthy, affordable foods.

Few other foods offer consumers the benefits and flexibility of frozen foods. Frozen fruits, vegetables and entrees help busy moms and dads easily prepare quality meals at home, allowing for more family time spent around the dinner table. In school cafeterias, lunch planners rely on frozen foods to help stretch limited budgets and serve healthy meals kids enjoy eating. And frozen fruits and vegetables, with their year-round availability and outstanding nutritional value, make it easy for everyone to eat more fruits and vegetables at home, at school and on the go.

Producer appreciation for the value frozen foods offer has catapulted sales in this rapidly-growing industry to over $60 billion. With nearly 700 frozen food facilities employing nearly 100,000 Americans nationwide, its economic footprint is significant. Forty of those frozen food operations are located in my home state of Washington.

In recognition of Frozen Food Month, I take this opportunity to honor one of Washington
state's very own, National Frozen Foods Corporation, headquartered in Seattle. National Frozen Foods is celebrating an impressive 100 years as a leader in the frozen food industry this year.

National's history began in 1912 when William McCaffray, Sr. began a small strawberry-freezing operation on a $5,000 loan from a friend. Recognizing the advantages of frozen food production and building on his early success, the company began freezing vegetables in the 1930s. Today, National Frozen Foods has grown to be one of the nation's premiere private-label frozen vegetable producers, employing some 670 workers throughout the year. Their Chehalis, Washington, facility is in the heart of the district I represent.

National's commitment to continuing improvement through innovation—not only at a company level, but as an industry leader—is clear. National Frozen Foods President and CEO Richard H. Grader is a former chairman and longtime member of the board of directors of the American Frozen Food Institute. In his current role as chairman of the Frozen Food Foundation, Mr. Grader guides the foundation's efforts to better educate consumers and the general public about the considerable nutritional and food safety attributes offered by frozen foods.

The impact that National Frozen Foods Corporation has had on the industry and on the economy of Southwest Washington, Washington state, and the positive impact that the industry continues to have on this nation are immeasurable. I applaud the frozen food industry and the management and employees of National Frozen Foods Corporation for your hard work and your contribution to America.
Chamber Action

Routine Proceedings, pages S2039–S2114

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2238–2241, and S. Res. 407.

Measures Passed:

MF Global Bankruptcy: Senate agreed to S. Res. 407, expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing.

Measures Considered:

Oil Tax Subsidies—Agreement: Senate began consideration of S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation, after agreeing to the motion to proceed, and taking action on the following amendments and motions proposed thereto:

Pending:

Reid Amendment No. 1968, to change the enactment date.

Reid Amendment No. 1969 (to Amendment No. 1968), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 1970, to change the enactment date.

Reid Amendment No. 1971 (to the instructions) Amendment No. 1970), of a perfecting nature.

Reid Amendment No. 1972 (to Amendment No. 1971), of a perfecting nature.

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote will occur on Thursday, March 29, 2012.

After further consideration of the motion to proceed to consideration of S. 1789, to improve, sustain, and transform the United States Postal Service.

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 46 nays (Vote No. 60), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill.

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill.

Paying a Fair Share Act—Agreement: Senate began consideration of the motion to proceed to consideration of S. 2230, to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill, at approximately 10 a.m., on Wednesday, March 28, 2012, with the first hour equally divided and controlled between the two Leaders or their designees with Republicans controlling the first 30 minutes and the Majority controlling the second 30 minutes.

Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act Return of Papers—Agreement: A unanimous-consent agreement was reached providing that the Senate agree to the House of Representatives request to return the papers on H.R. 5, to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and authorize the Secretary of the Senate to return the papers on H.R. 5 to the House of Representatives.

Du and Morgan Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Wednesday, March 28, 2012, Senate resume consideration of the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie
Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana; that there be 60 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, in that order; and that no further motions be in order.

Nominations Received: Senate received the following nominations:

Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration for the term of five years.

Brett H. McGurk, of Connecticut, to be Ambassador to the Republic of Iraq.

Michele Jeanne Sison, of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2017.

Committee Meetings


Committee on Appropriations: Subcommittee on Military Construction and Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of Defense and the Department of the Army, after receiving testimony from Robert F. Hale, Under Secretary (Comptroller), Dorothy Robyn, Deputy Under Secretary for Installations and Environment, Peter R. Lavoy, Principal Deputy Assistant Secretary for Asian and Pacific Security Affairs, Katherine G. Hammack, Assistant Secretary of the Army for Installations, Energy, and Environment, Lieutenant General Michael Ferriter, Assistant Chief of Staff for Installation Management, Major General Timothy J. Kadavy, Deputy Director of the Army National Guard, and Addison D. Davis IV, Chief Executive Officer, Army Reserve Command, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

F. Wechsler, Deputy Assistant Secretary for Counter-narcotics and Global Threats, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine Army modernization in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from Lieutenant General Robert P. Lennox, Deputy Chief of Staff of the Army, G–8, Lieutenant General William N. Phillips, Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics and Technology and Director, Acquisition Career Management, Lieutenant General John F. Campbell, Deputy Chief of Staff of the Army, G–3/5/7, and Lieutenant General Keith C. Walker, Deputy Commanding General, Futures, Director, ARCIC, United States Army Training and Doctrine Command, all of the Department of Defense.

CHOICE NEIGHBORHOODS INITIATIVE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine the choice neighborhoods initiative, focusing on a new community development model, after receiving testimony from Sandra Henriquez, Assistant Secretary of Housing and Urban Development for Public and Indian Housing; Maria Maio, Jersey City Housing Authority, Jersey City, New Jersey; Susan J. Popkin, Urban Institute, Washington, D.C.; Paul N. Weech, Housing Partnership Network, Boston, Massachusetts; Anthony B. Sanders, George Mason University, Fairfax, Virginia; and Egbert L. J. Perry, Integral Group LLC, Atlanta, Georgia.

REDUCING POLLUTION AND IMPROVING ENVIRONMENTAL PERFORMANCE

Committee on Environment and Public Works: Subcommittee on Green Jobs and the New Economy with the Subcommittee on Oversight concluded a joint oversight hearing to examine the Environmental Protection Agency’s (EPA) work with other Federal entities to reduce pollution and improve environmental performance, after receiving testimony from Leslie Gillespie-Marthaler, Senior Advisor, Office of Research and Development, Environmental Protection Agency; and Richard G. Kidd, Deputy Assistant Secretary of the Army for Installations, Energy, and Environment, Energy and Sustainability, Tom Hicks, Deputy Assistant Secretary of the Navy for Energy, and Kevin Geiss, Deputy Assistant Secretary of the Air Force for Energy, all of the Department of Defense.

RENEWABLE ENERGY TAX INCENTIVES

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure concluded a hearing to examine renewable energy tax incentives, focusing on how the recent and pending expirations of key incentives have affected the renewable energy industry in the United States, after receiving testimony from Ethan Zindler, Bloomberg New Energy Finance, and Benjamin Zycher, American Enterprise Institute for Public Policy Research, both of Washington, D.C.; John Purcell, Leeco Steel, Lisle, Illinois; and John P. Ragan, TPI Composites, Inc., Scottsdale, Arizona.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Res. 356, expressing support for the people of Tibet, with an amendment;

S. Res. 395, expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012, with an amendment;

S. Res. 397, promoting peace and stability in Sudan, with an amendment in the nature of a substitute;

S. Res. 80, condemning the Government of Iran for its state-sponsored persecution of its Baha’i minority and its continued violation of the International Covenants on Human Rights;

S. Res. 391, condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria, with an amendment;

S. Res. 344, supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua, with an amendment in the nature of a substitute; and

The nominations of Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, Gina K. Abercrombie-Winstanley, of Ohio, to be Ambassador to the Republic of Malta, Frederick D. Barton, of Maine, to be Assistant Secretary for Conflict and Stabilization Operations, and to be Coordinator for Reconstruction and Stabilization, William E. Todd, of Virginia, to be Ambassador to the Kingdom of Cambodia, 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, Carlos Pascual, of the District of Columbia, to be Assistant Secretary for Energy Resources, John Christopher Stevens, of California, to be Ambassador to Libya, Jacob Walles, of Delaware, to be Ambassador to the
Tunisian Republic, Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Kosovo, Mark A. Pekala, of Maryland, to be Ambassador to the Republic of Latvia, Richard B. Norland, of Iowa, to be Ambassador to Georgia, Kenneth Merten, of Virginia, to be Ambassador to the Republic of Croatia, and Jeffrey D. Levine, of California, to be Ambassador to the Republic of Estonia, all 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, and lists in the Foreign Service.

PROMOTING INTERNATIONAL TRAVEL TO THE UNITED STATES

Committee on the Judiciary: Subcommittee on Immigration, Refugees and Border Security concluded a hearing to examine the economic imperative for promoting international travel to the United States, including S. 2233, to amend the Immigration and Nationality Act to stimulate international tourism to the United States, after receiving testimony from Senator Mikulski; Rebecca Gambler, Acting Director, Homeland Security and Justice, Government Accountability Office; and Thomas J. Donohue, U.S. Chamber of Commerce, and Roger Dow, U.S. Travel Association, both of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 4263–4272; and 3 resolutions, H. Res. 596, 598, 599, were introduced. Page H1641

Additional Cosponsors: Pages H1641–42

Report Filed: A report was filed today as follows: H. Res. 597, providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, and providing for consideration of motions to suspend the rules (H. Rept. 112–423). Page H1641

Speaker: Read a letter from the Speaker wherein he appointed Representative Paulsen to act as Speaker pro tempore for today. Page H1577

Recess: The House recessed at 10:54 a.m. and reconvened at 12 noon. Page H1582

Suspensions: The House agreed to suspend the rules and pass the following measure: Jumpstart Our Business Startups Act: Concur in the Senate amendment to H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, by a ¾ yea-and-nay vote of 380 yeas to 41 nays, Roll No. 132. Pages H1586–93, H1597–98

Privileged Resolution: The House agreed to H. Res. 596, requesting return of official papers on H.R. 5. Page H1593

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in the armed forces and their families. Page H1597

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, March 26th: Homes for Heroes Act: H.R. 3298, to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, by a ¾ recorded vote of 414 ayes to 5 noes, Roll No. 133. Pages H1598–99

Point of Personal Privilege: Representative Maloney rose to a point of personal privilege and was recognized to proceed for one hour. Page H1599

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed: Surface Transportation Extension Act of 2012: H.R. 4239, amended, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the...
Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.


Rejected the Perlmutter motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 184 ayes to 236 noes, Roll No. 137.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Agreed to:

Walden amendment (No. 6 printed in H. Rept. 112–422) that makes the FCC's handling of FOIA requests more open and transparent; Pages H1621–22

Al Green (TX) amendment (No. 8 printed in H. Rept. 112–422) that clarifies that the Act would not impede the FCC's ability to provide, in times of an emergency, for effective and efficient communication systems to alert the public of dangerous weather conditions; and

Eshoo amendment (No. 10 printed in H. Rept. 112–422), as modified, that expresses that nothing in this Act shall impede the FCC from providing efficient and effective communication systems for state and local first responders.

Rejected:

Speier amendment (No. 9 printed in H. Rept. 112–422) that sought to prevent this Act from taking effect until the FCC provides a report on the impact of the changes of this Act on the FCC’s mandate to promote competition and innovation;

Crowley amendment (No. 1 printed in H. Rept. 112–422) that sought to require, in the event that the FCC creates or amends a rule relating to baby monitors, the FCC to require the packaging of a new baby monitor to display a warning label so that families are informed that video and sounds captured by an analog baby monitor may be easily viewed or heard by potential intruders outside a consumer’s home (by a recorded vote of 196 ayes to 219 noes, Roll No. 134);

Eshoo amendment (No. 5 printed in H. Rept. 112–422) that sought to require entities sponsoring political programming to disclose the identity of any donor that has contributed $10,000 or more to such entity in an election reporting cycle (by a recorded vote of 179 ayes to 238 noes, Roll No. 135); and

Owens amendment (No. 7 printed in H. Rept. 112–422) that sought to express that nothing in this Act shall impede the FCC from implementing rules to ensure broadband access in rural areas (by a recorded vote of 194 ayes to 222 noes, Roll No. 136).

H. Res. 595, the rule providing for consideration of the bill, was agreed to by a recorded vote of 242 ayes to 177 noes, Roll No. 131, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 182 nays, Roll No. 130.

Senate Messages: Message received from the Senate by the Clerk and subsequently presented to the House today and a message received from the Senate today appear on pages H1582 and H1586.


Adjournment: The House met at 10 a.m. and adjourned at 8:18 p.m.

Committee Meetings

CHALLENGES AND OPPORTUNITIES FOR ACHIEVING HEALTHIER NATIONAL FORESTS

Committee on Agriculture: Subcommittee on Conservation, Energy, and Forestry held a hearing entitled “U.S. Forest Service Land Management: Challenges and Opportunities for Achieving Healthier National Forests”. Testimony was heard from Tom Tidwell, Chief, Forest Service, Department of Agriculture; Gary Barth, Director, Business and Community Services, Clackamas County, Oregon; and public witnesses.

APPROPRIATIONS—AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing for American Indian and Alaska Native Public Witnesses. Testimony was heard from public witnesses.
APPROPRIATIONS—GENERAL SERVICES ADMINISTRATION
Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2013 Budget Request for the General Services Administration. Testimony was heard from Martha N. Johnson, Administrator, General Services Administration; Robert Peck, Public Building Commissioner, General Services Administration; and Steven Kempf, Federal Acquisition Service Commissioner, General Services Administration.

APPROPRIATIONS—ENERGY EFFICIENCY AND RENEWABLE ENERGY
Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for Energy Efficiency and Renewable Energy, Fossil Energy, Electricity Delivery and Energy Reliability. Testimony was heard from Henry Kelly, Acting Assistant Secretary for Energy Efficiency and Renewable Energy; Patricia Hoffman, Assistant Secretary for Electricity Delivery and Energy Reliability; and Charles McConnell, Acting Assistant Secretary for Fossil Energy.

APPROPRIATIONS—HOUSE OFFICERS
Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on FY 2013 Budget Request for U.S. House of Representatives Officers. Testimony was heard from Daniel J. Strodel, Chief Administrative Officer; Karen L. Haas, Clerk; and Paul D. Irving, Sergeant At Arms.

APPROPRIATIONS—DEPARTMENT OF THE TREASURY
Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on FY 2013 Budget Request for the Department of the Treasury. Testimony was heard from Timothy Geithner, Secretary of the Treasury.

APPROPRIATIONS—DEPARTMENT OF EDUCATION
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on the FY 2013 Budget for the Department of Education, K–12. Testimony was heard from public witnesses.

APPROPRIATIONS—AMERICAN INDIAN AND ALASKA NATIVE PUBLIC WITNESS DAY
Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing for American Indian and Alaska Native Public Witnesses. Testimony was heard from public witnesses.

APPROPRIATIONS—NATIONAL DRUG CONTROL POLICY
Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2013 Budget Request National Drug Policy. Testimony was heard from R. Gil Kerlikowske, Director, National Drug Control Policy.

UNDERSTANDING FUTURE IRREGULAR WARFARE CHALLENGES
Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on understanding future irregular warfare challenges. Testimony was heard from public witnesses.

ROTOCRAFT MODERNIZATION PROGRAMS
Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Fiscal Year 2013 DOD Rotocraft Modernization Programs. Testimony was heard from Lieutenant General Terry G. Robling, USMC, Deputy Commandant for Aviation, U.S. Marine Corps; Rear Admiral William F. Moran, USN, Director, Air Warfare Division, U.S. Navy; Richard Gilpin, Deputy Assistant Secretary of the Navy, Air Programs Office; Major General William T. Crosby, USA, PEO Aviation Headquarters, U.S. Army; Major General Noel T. Jones, USAF, Director, Operational Capability Requirements, U.S. Air Force; and Major General Robert C. Kane, USAF, Director, Global Reach Programs, U.S. Air Force.

LEARNING FROM THE UPPER BIG BRANCH TRAGEDY
Committee on Education and the Workforce: Full Committee held a hearing entitled “Learning from the Upper Big Branch Tragedy”. Testimony was heard from Joseph A. Main, Assistant Secretary, Mine Safety and Health Administration, Department of Labor; Jeffery Kohler, Director, Office of Mine Safety and Health Research, National Institute for Occupational Safety and Health; Howard L. Shapiro, Counsel to the Inspector General, Office of Inspector General, Department of Labor; and public witness.

IT SUPPLY CHAIN SECURITY
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “IT Supply Chain Security: Review of Government Oversight and Investigations”. Testimony was heard from Gregory C. Wilshusen, Director of Information Security, Government Accountability Office; Mitchell Komaroff, Director, Trusted Mission Systems Networks, Department of Defense; Gil Vega, Associate CIO for Cybersecurity and Chief Information Security Officer, Department of Energy; and public witnesses.
CURRENT STATE OF COSMETICS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Examining the Current State of Cosmetics”. Testimony was heard from Michael M. Landa, Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration; Michael J. DiBartolomeis, Chief Occupational Lead Poisoning Prevention Program and California, Safe Cosmetics Program California Department of Public Health; and public witnesses.

FEDERAL RESERVE AID TO THE EUROZONE

Committee on Financial Services: Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled “Federal Reserve Aid to the Eurozone: Its Impact on the U.S. and the Dollar”. Testimony was heard from William C. Dudley, President and Chief Executive Officer, Federal Reserve Bank of New York; and Steven B. Kamin, Director, Division of International Finance, Board of Governors, Federal Reserve System.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee held a markup of H.R. 4264, the “FHA Emergency Fiscal Solvency Act of 2012”; H.R. 2446, the “RESPA Home Warranty Clarification Act of 2011”; H.R. 3283, the “Swap Jurisdiction Certainty Act”; and H.R. 4235, the “Swap Data Repository and Clearinghouse Indemnification Correction Act of 2012”. The following bills were ordered reported, as amended: H.R. 2446; H.R. 3283; and H.R. 4235. The following bill was ordered reported, without amendment: H.R. 4264.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Services held a markup of H.R. 1940, the “International Child Abduction Prevention and Return Act of 2011”; H.R. 3605, the Global Online Freedom Act of 2011”; and H.R. 4141 the “International Food Assistance Improvement Act of 2012”. The following bills were ordered reported, as amended: H.R. 1940; H.R. 3605; and H.R. 4141.

ECONOMIC OPPORTUNITIES IN EUROPE AND EURASIA

Committee on Foreign Affairs: Subcommittee on Europe and Eurasia held a hearing entitled “Creating Jobs: Economic Opportunities in Europe and Eurasia”. Testimony was heard from Robert D. Hormats, Under Secretary, Economic Growth, Energy, and the Environment, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a markup of H.R. 4251, the “SMART Port Security Act”. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup of H.R. 3862, the “Sunshine for Regulatory Decrees and Settlements Act of 2012”; and H.R. 2299, the “Child Interstate Abortion Notification Act”. H.R. 3862 was ordered reported, as amended; and H.R. 2299 was ordered reported, without amendment.

HARNESSING AMERICAN RESOURCES TO CREATE JOBS AND ADDRESS RISING GASOLINE PRICES

Committee on Natural Resources: Full Committee held a hearing entitled “Harnessing American Resources to Create Jobs and Address Rising Gasoline Prices: Family Vacations and U.S. Tourism Industry”. Testimony was heard from public witnesses.

CAN A USPS-RUN HEALTH PLAN SOLVE ITS FINANCIAL CRISIS?

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy held a hearing entitled “Can a USPS-Run Health Plan Solve its Financial Crisis?”. Testimony was heard from Patrick Donahoe, Postmaster General and CEO, United States Postal Service; and public witness.

LABOR ABUSES, HUMAN TRAFFICKING, AND GOVERNMENT CONTRACTS

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled “Labor Abuses, Human Trafficking, and Government Contracts: Is the Government Doing Enough to Protect Vulnerable Workers?”. Testimony was heard from Senators Blumenthal and Portman; Luis C. deBaca, Ambassador at Large, Department of State; Cathy J. Read, Director, Office of Acquisitions Management, Department of State; Evelyn R. Klemstine, Assistant Inspector General for Audits, Department of State; Richard T. Ginman, Director, Defense Procurement and Acquisition Policy, Department of Defense; Sharon Cooper, Director, Defense Human Resources Activity, Department of Defense; and Kenneth P. Moorefield, Deputy Inspector General for Special Plans & Operations, Department of Defense.
CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013; AND SUSPENSION AUTHORITY

Committee on Rules: Full Committee held a hearing on H. Con. Res. 112, the “Concurrent Resolution on the Budget for Fiscal Year 2013”. The Committee, granted, by voice vote, a structured rule providing four hours of general debate, with three hours confined to the congressional budget equally divided and controlled by the chair and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Rep. Brady of Texas and Rep. Hinchey of New York or their designees. The rule waives all points of order against consideration of the concurrent resolution. The rule makes in order only those amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, 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 amendment. The rule waives all points of order against the amendments printed in the report except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. The rule provides, upon the conclusion of consideration of the concurrent resolution for amendment, a final period of general debate, which shall not exceed 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. The rule permits the chair of the Committee on the Budget to offer amendments in the House pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The rule provides that the concurrent resolution shall not be subject to a demand for division of the question. Finally, the rule provides that it shall be in order at any time on the legislative day of March 29, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to a measure extending expiring surface transportation authority. Testimony was heard from the following Representatives: Chairman Ryan (WI); Van Hollen; Mulvaney; Honda; Scott (VA); and Ellison.

FOSTERING THE U.S. COMPETITIVE EDGE

Committee on Science, Space, and Technology: Subcommittee on Technology and Innovation held a hearing entitled “Fostering the U.S. Competitive Edge: Examining the Effects of Federal Policies on Competition, Innovation, and Job Growth”. Testimony was heard from public witnesses.

PRESIDENT’S FISCAL YEAR 2013 BUDGET REQUEST FOR THE ARMY CORPS OF ENGINEERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled “A Review of the President’s Fiscal Year 2013 Budget Request for the Army Corps of Engineers”. Testimony was heard from Major General Meredith “Bo” Temple, Acting Chief of Engineers, United States Army Corps of Engineers.

FROM THE GROUND UP: ASSESSING ONGOING DELAYS IN VA MAJOR CONSTRUCTION

Committee on Veterans’ Affairs: Full Committee held a hearing entitled “From the Ground Up: Assessing Ongoing Delays in VA Major Construction”. Testimony was heard from Robert A. Petzel, Under Secretary for Health Veterans Health Administration, Department of Veterans Affairs; Glenn D. Haggstrom, Executive Director, Office of Acquisitions, Logistics, and Construction, Department of Veterans Affairs; and public witnesses.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

MONETARY POLICY

Joint Economic Committee: Committee concluded a hearing to examine monetary policy going forward, focusing on why a sound dollar boosts growth and employment, after receiving testimony from John B. Taylor, Stanford University, Stanford, California; and Laurence H. Meyer, Macroeconomic Advisers, and William Poole, University of Delaware, both of Washington, D.C.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 28, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Institutes of Health, 10 a.m., SD–124.
Subcommittee on Department of Defense, to hold hearings to examine Department of Defense health programs, 10 a.m., SD–192.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy and the Department of the Air Force, 10 a.m., SD–138.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the National Aeronautics and Space Administration, 2 p.m., SD–124.

Subcommittee on Financial Services and General Government, to hold hearings to examine enhancing economic growth, focusing on the Department of the Treasury’s responses to the foreclosure crisis and mounting student loan debt, 2:30 p.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Army Corps of Engineers and Bureau of Reclamation, 2:30 p.m., SD–192.


Subcommittee on Strategic Forces, to hold hearings to examine Department of Defense nuclear forces and policies 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, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings to examine retirement, focusing on examining the retirement savings deficit, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: To hold hearings to examine the science and standards of forensics, 2:30 p.m., SR–253.

Committee on Foreign Relations: To hold hearings to examine United States policy on Iran, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine assessing efforts to combat waste and fraud in Federal programs, 2:30 p.m., SD–342.

Committee on the Judiciary: To hold hearings to examine the Special Counsel’s report on the prosecution of Senator Ted Stevens, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Michael P. Shea, to be United States District Judge for the District of Connecticut, Gonzalo P. Curiel, to be United States District Judge for the Southern District of California, and Robert J. Shelby, to be United States District Judge for the District of Utah, 3 p.m., SD–226.

Committee on 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, 9:45 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing on H.R. 3283, the “Swap Jurisdiction Certainty Act”; H.R. 1838, to repeal a provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act prohibiting any Federal bailout of swap dealers or participants; and the Swap Data Repository and Clearinghouse Indemnification Correction Act of 2012, 10:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on American Manufacturing and Job Repatriation, 9 a.m., 2362–A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, hearing for American Indian and Alaska Native Public Witnesses, 9:30 a.m., B–308 Rayburn.

Subcommittee on Financial Services and General Government, hearing on FY 2013 Budget Request for Treasury, 10 a.m., 2359 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on FY 2013 Budget Request for Bureau of Reclamation, 10 a.m., 2362–B Rayburn.

Subcommittee on Defense, hearing on FY 2013 Budget Request for National Guard and U.S. Army Reserve, 10 a.m., H–140 Capitol.


Subcommittee on Defense, hearing on FY 2013 Budget Request for U.S. Pacific Command and U.S. Forces—Korea, 2 p.m., H–140 Capitol. This is a closed hearing.

Committee on Armed Services, Full Committee, hearing on the security situation on the Korean Peninsula, 10 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on the Army and Marine Corps Materiel Reset, 2 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Full Committee, hearing entitled “Reviewing the President’s Fiscal Year 2013 Budget Proposal for the U.S. Department of Education”, 10 a.m., 2175 Rayburn.


Subcommittee on Communications and Technology, hearing entitled “Cybersecurity: Threats to Communications Networks and Public-Sector Responses”, 10 a.m., 2322 Rayburn.


Committee on Foreign Affairs, Full Committee, markup of H.R. 4240, to reauthorize the North Korean Human Rights Act of 2004, and for other purposes, 10 a.m., 2172 Rayburn.

Full Committee, hearing entitled “Investigating the Chinese Threat, Part One: Military and Economic Aggression”, 10 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “The Price of Public Diplomacy with China”, 2:30 p.m., 2172 Rayburn.

Committee on Homeland Security, Full Committee, 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 Organizations, Incorporated, and for other purposes; H.R. 2764, the “WMD Intelligence and Information Sharing Act of 2011”; H.R. 3140, the “Mass Transit Intelligence Prioritization Act”; and H.R. 3563, the “Alert and Warning System Modernization Act of 2011”, 10 a.m., 311 Cannon.

Subcommittee on Transportation Security, hearing entitled “Rightsizing TSA Bureaucracy and Workforce Without Compromising Security”, 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing entitled H.R. 4223, the “Safe Doses Act”; H.R. 3668, the “Counterfeit Drug Penalty Enhancement Act of 2011”; and H.R. 4216, the “Foreign Counterfeit Prevention Act”, 10 a.m., 2141 Rayburn.


Committee on Natural Resources, Full Committee, business meeting on a motion to authorize the Chairman to issue duces tecum subpoenas for the production of documents relating to investigations regarding: the Secretary of the Interior’s decision and the process to rewrite the 2008 Stream Buffer Zone Rule under the Surface Mining Reclamation and Control Act; and the process used in the preparation of a Department of the Interior report on offshore oil and natural gas operations under the Outer Continental Shelf Lands Act that implied that peer reviewers from the National Academy of Engineers had endorsed an offshore oil and natural gas drilling moratorium in the Gulf of Mexico, 10 a.m., 1324 Longworth.

Committee on Science, Space, and Technology, Full Committee, hearing entitled “Securing the Promise of the International Space Station: Challenges and Opportunities”, 9:30 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing entitled “To Observe and Protect: How NOAA Probes Data for Weather Forecasting”, 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled “Large and Small Businesses: How Partnerships Can Promote Job Growth”, 1 p.m., 2560 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled “A Review of the President’s Fiscal Year 2013 Budget Request for the Environmental Protection Agency”, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Disability and Memorial Affairs, hearing entitled “Reevaluating the Transition from Service Member to Veteran: Honoring a Shared Commitment to Care for Those Who Defend Our Freedom”, 10 a.m., 334 Cannon.

Subcommittee on Economic Opportunity, markup of H.R. 3670, to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights 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”; and H.R. 4072, the “Consolidating Veteran Employment Services for Improved Performance Act of 2012”, 2 p.m., 334 Cannon.

Committee on Ways and Means, Full Committee, markup of H.R. 9, the “Small Business Tax Cut Act”, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Congressional Committee on Inaugural Ceremonies—2012: Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee’s rules and procedure for the 112th Congress, 10:30 a.m., S–216, Capitol.
Next Meeting of the SENATE
10 a.m., Wednesday, March 28

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of S. 2230, Paying a Fair Share Act.

At 5 p.m., Senate will resume consideration of the nominations of Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, and Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, with votes on confirmation of the nominations, at approximately 6 p.m.

Extensions of Remarks, as inserted in this issue

Denham, Jeff, Calif., E452
Deutch, Theodore E., Fla., E449, E459
Diaz-Balart, Mario, Fla., E453, E455, E456
Frelinghuysen, Rodney P., N.J., E451
Hahn, Janice, Calif., E454
Herrera Beutler, Jaime, Wash., E459
Hinson, Maurice D., N.Y., E447
Issa, Darrell E., Calif., E447
Jackson, Jesse L., Jr., Ill., E407
Johnson, Timmy V., III., E455, E458
King, Peter T., N.Y., E447
Lance, Leonard, N.J., E437
Lee, Barbara, Calif., E457
McCarthy, Carolyn, N.Y., E448
McIntyre, Mike, N.C., E452
McNerney, Jerry, Calif., E449
Maloney, Carolyn B., N.Y., E448
Marchant, Kenny, Tex., E450
Michaud, Michael R., Me., E453
Norton, Eleanor Holmes, D.C., E449
Pastor, Ed, Ariz., E457
Paul, Ron, Tex., E454
Rogers, Mike, Ala., E451, E459
Sherman, Brad, Calif., E459
Stivers, Steve, Ohio, E456
Woolsey, Lynn C., Calif., E455
Yarmuth, John A., Ky., E449

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, March 28

House Chamber

Program for Wednesday: Begin consideration of H. Con. Res. 112—Establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

Akin, W. Todd, Mo., E450
Bachmann, Michele, Minn., E448
Bishop, Sanford D., Jr., Ga., E455
Bonner, Jo, Ala., E458
Bordallo, Madeleine Z., Guam, E447, E448, E449, E450, E451, E452, E453
Buchanan, Vern, Fla., E451
Burgess, Michael C., Tex., E453
Carnahan, Russ, Mo., E458
Carson, André, Ind., E458
Coffman, Mike, Colo., E455
Cuellar, Henry, Tex., E455
McDonald, Kim, Ga., E451
McIntyre, Mike, N.C., E452
McNerney, Jerry, Calif., E449
Maloney, Carolyn B., N.Y., E448
Marchant, Kenny, Tex., E450
Michaud, Michael R., Me., E453
Norton, Eleanor Holmes, D.C., E449
Pastor, Ed, Ariz., E457
Paul, Ron, Tex., E454
Rogers, Mike, Ala., E451, E459
Sherman, Brad, Calif., E459
Stivers, Steve, Ohio, E456
Woolsey, Lynn C., Calif., E455
Yarmuth, John A., Ky., E449

Congressional Record The Congressional Record (USPS 87–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. The Congression(al Record) is available online through the U.S. Government Printing Office at www.fdsys.gov, free of charge to the user. The information is updated online each day the Congressional Record is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office, Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, contactcenter@gpo.gov. The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.