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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, June 20, 2012.

I hereby appoint the Honorable Tom McClintock to act as Speaker pro tempore on this day.

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

REPORT ON H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

Mr. LATHAM, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-541) on the bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

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.

EQUALITY

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

Mr. BLUMENAUER. While there have been occasional steps backward in America's march towards equality for all citizens, progress and understanding have marched steadily onward. As a result, America is more diverse, and it is better for it; but we must continue to work hard to create a truly equal and just society.

Discriminating against an individual based on race, religion, or sexual identity is deplorable and unacceptable. Historically, the LGBT community has faced significant discrimination, but the country has come a long way in recent years in attitude. Most Americans are more accepting regardless of one's sexual orientation, but there remain too many areas where society still must translate the attitude of most Americans into rights and protections for all citizens.

LGBT students should be able to learn in a safe school environment, free of cruel bullying, psychological or physical abuse. The term “bullying” actually does not capture the behavior and the threat. Foster children should be adopted by loving families regardless of the parents' sexual orientations. Of course, most fundamentally, Americans should be afforded the right of marriage whether they are gay, lesbian, bisexual, or transsexual—the same as heterosexual couples.

I've been involved with these issues since I first chaired a hearing in the Oregon House of Representatives on antidiscrimination in 1973, right through today, in advocating the repeal of DOMA. I've been proud to work for equality throughout my career, but there remains much work to be done.

In the name of extending equal rights to all Americans, no matter who they love, at a minimum, we should take the following steps:

Most importantly, we should aggressively support marriage equality for all. The Respect for Marriage Act will repeal the Defense of Marriage Act and will guarantee that the Federal Government will recognize any marriage that is legal in the State in which it is performed;

The lowest hanging fruit is workplace discrimination. It is long past time to enact the Employment Non-Discrimination Act, ENDA, which would make it illegal to discriminate in the workplace based on actual or perceived sexual orientation or gender identity;

Educational institutions must be safe places for young people to learn and grow without the threat of bullying or the risk of being denied the chance to participate in extracurricular activities based on their identities. We
should pass the Safe Schools Improvement Act and the Tyler Clementi Higher Education Anti-Harassment Act of 2011.

We must stand up for real family values and support the Every Child Served a Family Act. All parents who wish to adopt a foster child deserve the chance to do so no matter their sexual identities; Finally, I strongly support amending the Immigration and Nationality Act to grant same-sex partnerships the same rights and privileges as any other partnership.

One of the most important milestones in this struggle was the endorsement recently by President Obama and Vice President Biden of marriage equality for all Americans. With renewed momentum and with continued hard work, we will not only achieve marriage equality for our LGBT friends and families, but equality and fairness in all aspects of life.

Make no mistake, we are not striving just for tolerance; we are striving to make this country more equitable, just, and fair so that every man, woman, and child has the opportunity to pursue their dreams in a safe and accepted environment. Such freedom is the very cornerstone on which a livable community is established, where families are safe, healthy, and economically secure.

IN HONOR OF BRANDON ELIZARES

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

Mr. REYES. As a parent and grandparent, I rise today with a heavy heart to take time to remember Brandon Elizares, a young man who left us 2 1/2 weeks ago.

In our community, he will always be remembered for his smile, for his personality, and for his desire to serve as an inspiration to others. Brandon, like over 11 million people in this country, was gay, and like so many of his peers was being harassed and bullied until he took his own life on June 2 after being threatened with being buried alive and shot.

His last message echoed his infinite love for his family and his apologies for not being strong enough to continue taking the abuse that he had faced for over 2 years. His final words read: “My name is Brandon Joseph Elizares, and I couldn’t make it. I love you guys with all of my heart.”

High school should be an exciting time with an array of new experiences and challenges, but one thing it should not be is an environment in which young people worry about being bullied. Children in high school should be focused on their education, pure and simple. The sad reality, though, is that for many students their primary concern don’t lie in textbooks or in the upcoming exams but in the fear that they will not be accepted by their peers, that they will be physically abused, or, in the case of Brandon and in the cases of countless others like him, that they may consider taking their own lives to escape the terrible pain.

Brandon was a young man who exemplified our best in the El Paso community. He embodied what this Nation looks for in all of its young people. He was a best friend, a loving son, an aspiring model and artist, an excellent student, and, to a teenager who had contemplated suicide herself due to bullying, Brandon was a superhero and an older brother.

Like so many El Pasanos, I feel a personal connection to Brandon, and his death reflects the unfortunate truth that many young people today in our community continue to suffer.

I stand here in the people’s House to ask my colleagues to help me in ensuring that Brandon’s death was not in vain. I ask my colleagues to join me in support of the Student Non-Discrimination Act, H.R. 998, and the Safe Schools Improvement Act, H.R. 1648, to protect LGBT students from discrimination and from bullying in the schools. I also ask that you stand with me in support of the “It Gets Better Campaign,” a project whose goal is to prevent suicide among youth by having adults and allies convey the message that these teens’ lives will ultimately improve.

In our country today, unfortunately, the facts are clear. Fifty-six percent of students have personally felt some sort of bullying at school. Between the fourth and eighth grade in particular, 90 percent of students report being the victims of bullying. Nine out of ten LGBT youth reported being verbally harassed in school in the past year because of their sexual orientation. A victim of bullying is twice as likely to take his or her life compared to someone who has not been victimized.

Every day, thousands of children wake up fearing for their well-being as they go to school. If the Student Non-Discrimination Act and the Safe Schools Improvement Act were enacted today, we could provide students a sense of relief and some reassurance that their government is working to improve their lives by increasing awareness about their daily struggles. We owe that to Brandon and so many others who are suffering from bullying in our schools.

RECESS

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

Accordingly (at 10 o’clock and 12 minutes a.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Richard Haynes, Salem Missionary Baptist Church, Lilburn, Georgia, offered the following prayer:

Our Father in heaven, we thank You for a brand-new day and for all of the opportunities and possibilities that comes with this day.

We thank You for another opportunity to be better. Thank You for another blessed opportunity to do better. We thank You for yet another chance to correct mistakes and make critical legislative adjustments for the betterment of this country and the world.

With a heart of gratitude for the many possibilities that this day brings, we declare with the Psalmist David that we will rejoice and be glad in it. May our rejoicings manifest themselves in good works that others may see, that You may be glorified.

In the name of Your darling Son, we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. WOODALL led the Pledge of Allegiance.

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

MESSAGE FROM THE SENATE

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

S. 3314. An act to specifically authorize certain funds for an intelligence or intelligence-related activity and for other purposes.

WELCOMING REVEREND RICHARD HAYNES

The SPEAKER. Without objection, the gentleman from Georgia (Mr. WOODALL) is recognized for 1 minute.

Mr. WOODALL. Mr. Speaker, the House is fortunate today to have Reverend Dr. Richard Benjamin Haynes as
our guest chaplain. He’s a life-long servant of the Lord, growing up as the son of a Baptist minister. He now pastors Salem Missionary Baptist Church in my home county of Gwinnett. He’s an avid angler, a fisherman. But first and foremost, he’s a fisherman of men. In the 23-plus years that he’s led Salem Missionary Baptist, his congregation has grown from 100 to over 4,500.

Beyond the pulpit, Reverend Haynes is active throughout our community. He is past chaplain for the Gwinnett County Sheriff’s Department, past director of the Statewide Ministers Convention, and currently member of the Gwinnett County Board of Education Advisory Board, to name just a few.

I’m honored to have him in Washington, D.C., with me today. His wife, Beverly, is with us today, as is his daughter Sheena, and his two grandsons, Benjamin and VaShon.

Reverend, thank you for your prayer today and thank you for your ministry every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ROS-Lehtinen). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

JOB AVAILABILITY IS NOT IMPROVING

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

Mr. WILSON of South Carolina. Madam Speaker, the Bureau of Labor Statistics announced yesterday that the number of job openings is at its lowest in months. The number of available jobs dropped from 3.7 million in March to 3.4 million in April. This fact shows that the President’s failed policies are destroying jobs across our Nation and undermining families.

Unemployment has been above 8 percent for 40 months, not including the millions who are underemployed or who have lost hope and are no longer looking for a job. And yet the President still believes our private sector is doing fine. In fact, sadly, now the President is offering work permits to illegal aliens to take jobs from hardworking Americans.

It is past the time for the President and his liberal colleagues in the other Chamber to pass the dozens of bipartisan job-creation bills which are stalled in the Senate graveyard.

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

NATIONAL DAIRY MONTH

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

Ms. HOCHUL. Did any of you wake up to a nice bowl of cereal or an instant breakfast drink, like I did? Did you give any thought to the effort that went into bringing that fresh, wholesome milk to your table? Well, I sure do.

Just this past week, I was visiting the Koener farm in Wyoming County, the largest dairy-producing county in New York State, which is the fourth largest producer in this great country. But I didn’t just go to have their milk; I went to listen to their concerns. And I saw a mother, father, brother, sister getting up before any of us see the light of day to do their work, tremendously hard work; but there’s a lot of pride in what they do.

So as we proudly salute the millions of families across this country, in particular the dairy-farming families during National Dairy Month, we need to do more for these stewards of our national food security. We can give out proclamations and pay lip service to the 51,000 families across this Nation who supply us with these products, or we can actually listen to them and do something to help.

First of all, they want a farm bill. They want certainty to know what the deal’s going to be, not later, not later this year; but right now.

Secondly, they need labor. That’s the number one issue I hear when I’m visiting the Nobles and the other family farmers, the Zubers, the Coynes. Let’s give them what they need.

LIFE OF A CHAMPION—RICHARD SCHOENSTADT

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

Mr. DOLD. Madam Speaker, I join with many others in the greater Chicago area in recognizing the life and recent passing of a tremendously respected, selfless, and inspirational leader in our community—Richard Schoenstadt.

Richard, no doubt, made a difference in this world with his tireless dedication to strengthening the U.S.-Israel relationship. His sweeping passion and energy for pro-Israel advocacy set a very high bar, which both elevated and advanced the commitment of so many good people to pro-Israel causes.

Richard believed in engagement and activism, and he lived his life knowing there was only one way to do things—the right way. He served his community as an outstanding example of leadership and earned a reputation as a brilliant and committed mentor to many, many.

Like so many who were lucky to know him, I feel I was given a special gift in Richard’s friendship. My thoughts and prayers go out to his family—his wife, Cindy, his daughters, Carly and Kate, and the entire extended Schoenstadt family.

May his memory continue to inspire us all to action, and may we in this Congress now and forever remain dedicated to advancing the principles that Richard Schoenstadt so proudly stood and fought for throughout his life.

STUDENT LOAN RATES

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

Mr. SIRES. Madam Speaker, access to affordable higher education is one of the reasons that our country is so great. As someone who lives in the gateway to America, I have seen firsthand the transformational power of education. However, access to higher education is now being threatened.

In less than 2 weeks, the interest rate for student loans is scheduled to double from 3.4 to 6.8 percent. This will make it extremely burdensome for students and families with limited financial resources to attend college. Just in the past 10 years, college tuition has increased by 28 percent. Middle class families are struggling to send their sons and daughters to school.

For many Americans, a college education is essential to future success. Over a lifetime, it is estimated that a college graduate makes an average of $2.27 million. In contrast, those with only a high school diploma are estimated to make $1.3 million.

The clock is ticking and we must act now. Congress should not block access to affordable education. Let us work together to keep student loan interest rates low.

WEST VIRGINIA DAY

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

Mr. MCKINLEY. Madam Speaker, the State of West Virginia is celebrating its 191st birthday today. Celebrations are being held as we speak throughout the State. I am a proud seventh-generation West Virginian and honored to serve the State that I love.

Being a West Virginian comes with great honor, tradition, and pride. In concert with the restored State of Virginia, President Lincoln, on April 20, 1863, proclaimed that West Virginia would be admitted to the United States as a separate State. Sixty-one days later, on June 20, 1863, West Virginia became a member of the Union, the only State created during the War Between the States.

Every year, millions of people travel the country roads of our great State and view the beautiful scenic mountains, from the Shenandoah River to everything in between. Madam Speaker, I hope everyone enjoys this time-honored tradition of West Virginia Day and celebrates our wild and wonderful State.

Happy birthday, West Virginia.
30TH ANNIVERSARY OF MURDER OF VINCENT CHIN

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

Ms. CHU. Madam Speaker, 30 years ago, Vincent Chin, a young Chinese American engineer, was celebrating his impending wedding in Detroit, Michigan, when two unemployed auto-workers started shouting at him, saying, “It is you Japanese who are taking away our jobs.” They chased him down and bashed his head in with a baseball bat. Vincent’s murderers were only punished with a $3,000 fine and got off without even spending a day in jail. In the meanwhile, instead of going to his wedding, Vincent’s family went to his funeral. This injustice led to the emergence of a national Asian Pacific American identity and movement. This week, as chair of the Congressional Asian Pacific Caucus, I will be introducing a resolution on the significance of the 30th anniversary of Vincent’s death. His story remains an important reminder of why we must always combat the dangers of xenophobia and scapegoating.

AMNESTY

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

Mr. SAM JOHNSON of Texas. Madam Speaker, most of us just returned from a week talking with our constituents back home. In the Third District of Texas, folks only had one thing on their mind: the President’s disgraceful decision to grant amnesty to 1 million illegal immigrants. Americans across the country are outraged. Amnesty rewards people for breaking our laws and encourages others to do the same. Entry into the United States is not a right; it is a privilege.

Since taking office, the President has time and again taken reprehensible steps that weaken our border security and undermine the rule of law in America. By sidestepping Congress, the President is now single-handedly rewriting our immigration policies, violating the trust between the Congress and the President to uphold the laws of this land—just did it again today. Enough is enough. This administration needs to stop putting politics ahead of the rights and privileges granted to him in the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward the President.

HONORING DEVIN BECK

(Mr. CICILLINE asked and was given permission to address the House for 5 minutes.)

Mr. CICILLINE. Madam Speaker, I rise today to honor Devin Beck, a native of Tiverton, in my home State of Rhode Island. Devin set a goal to raise $2,000 for Executives Without Borders, a nonprofit organization that works to engage business professionals in solving humanitarian challenges across the world.

So on January 11 of this year, Devin left St. Augustine, Florida, with the goal of bicycling to San Diego, California, a distance of more than 2,000 miles away. On February 25, 46 days later, Devin arrived in San Diego, completing a journey that spanned 232 hours, 17 minutes, and 44 seconds on his bike.

In the end, Devin exceeded his goals and raised $6,000 for Executives Without Borders to benefit a program that is helping Haiti to build new recycling centers to recover from the devastating hurricane it suffered in 2010. I congratulate this young man, Devin, as well as his parents, Donald and Kathleen, on his truly impressive accomplishments and wish him continued success.

NATURAL GAS

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, on June 4, America’s Natural Gas Alliance issued a report contesting the EPA’s recent study on greenhouse gas emissions and natural gas development. Specifically, the study found that methane emissions from shale operations are 86 percent lower than EPA estimated. Furthermore, methane doesn’t remain in the atmosphere for long relative to other gasses.

Unfortunately, some energy alternatives receiving government subsidies have worse emissions than what we thought. The new book, “Green Illusions,” by Ozzie Zehner, shows that building solar panels releases substantial quantities of emissions like sulfur hexafluoride, which lasts 267 times as long in the atmosphere, and have nearly doubled since 1998.

According to a May report from the International Energy Agency, U.S. carbon emissions are down more than any other country. In fact, since 2006, U.S. emissions have fallen 7.7 percent, with the increased use of shale gas as a key factor in the drop, according to the Agency’s chief economist.

This leads to a conclusion that many might find paradoxical. If global warming is a problem we need to address, then we should welcome the increased production and use of natural gas as a prime energy source.

ACCESS TO EDUCATION

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

Mr. BACA. Madam Speaker, in these tough times, we should make every effort to increase access to higher education for all Americans. Making college more affordable doesn’t just help students, it strengthens our economy.

Unfortunately, if Congress does not act soon, interest rates on student loans will double for over 7 million students, in less than 2 weeks, July 1 is around the corner. It’s time for a serious solution to help our Nation’s children.

Instead of working towards a compromise, Republicans have put forward a plan to cut health services for women and children. Republicans just don’t get it. Once again, they’re too busy cutting taxes for millionaires and billionaires instead of working for our middle class. Republicans are showing their priorities are out of touch with hardworking Americans.

We need to act now on student loans. Let’s help all of these students have access to education.

RECOGNIZING THE 25TH ANNIVERSARY OF THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

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

Mrs. BIGGERT. Madam Speaker, I rise today to salute the hardworking individuals who strive every day to protect the safety of air passengers. These are the men and women of the National Air Traffic Controllers Association, NATCA, who yesterday celebrated their 25th year as the guardians of the U.S. national airspace system.

On June 19, 1987, the Federal Labor Relations Authority certified NATCA as the exclusive bargaining representative for the Federal Aviation Administration air traffic controllers. NATCA now represents more than 20,000 air traffic controllers, engineers, and other aviation safety professionals. They have the safest record in history, guiding 70,000 flights per day and protecting over 700 million passengers per year.

Madam Speaker, I would ask all of my colleagues in the House today to join NATCA in celebrating a quarter century of hard work, keeping America’s airspace system the safest in the world.

GREAT LAKES WATER QUALITY AGREEMENT

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

Mr. HIGGINS. Madam Speaker, the Great Lakes are our most threatened national assets, yet they are the largest source of fresh water in the world, and account for $7 billion in economic activity annually. In my western New York community, the resurgence of our Inner and Outer Harbors along Lake Erie is an important reminder of the

CONGRESSIONAL RECORD — HOUSE

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H3812
They're all saying the same thing: 

**They want to help rebuil our economy. They want to help create new American jobs. They're not saying, “Kill me a sea lion.” They’re not saying, “Allow corporatios to pollute my air and water.” They’re not saying, “Give more breaks for the well-off Americans and more burdens for seniors.” They’re saying, “Put me to work.”**

They are determined, and so am I. So I say to you, put Congress to work. Put us to work passing the student loan insterest rate. And to work passing the STARTUP Act, to create new opportunities for American innovation.

Listen to our constituents. They want to go to work. They are cheering for our country to succeed and to work, and they expect and deserve our Congress to do the same.

**HONORING THE LIFE OF FIRST LIEUTENANT MATHEW FAZZARI**

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

Mrs. McMorris Rodgers, Madam Speaker, it’s with a heavy heart that I rise to honor the life of First Lieutenant Mathew Fazzari. He is a 25-year-old American hero.

He’s a native of Walla Walla, Washington, and he graduated from Gonzaga University, was commissioned in the United States Army, was a member of the prestigious 82nd Airborne, and he gave his life in serving and defending our country.

He lost his life on June 6, 2012, when his helicopter was shot down by enemy attack in Afghanistan. He lost his life in the name of American freedom, and he lost his life to protect all of ours.

He leaves behind a community who admires him, a country who pays homage to him, and a family who’s been forever changed by him. He was a son, a brother, a husband and a father. He says goodbye to a family that got the call they hoped they would never get.

May God bless Lieutenant Mathew Fazzari, his parents, Greg and Susan; his siblings, Luke, Shawn, and Danielle; his wife, Tovah, and their two young sons, Dominic and Samuel. May God bless his family and all the brave men and women who have answered America’s call to freedom.

**AMERICANS ARE SAYING “PUT ME TO WORK”**

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

Mr. Carahman, Madam Speaker, I stand here today frustrated but determined. Frustrated because I’ve heard from so many people in St. Louis, Missouri, that I represent, small business owners, veterans, students, and others. They’re all saying the same thing: “Put me to work.”

**DOMESTIC ENERGY AND JOBS ACT**

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

Ms. Foxx, Madam Speaker, summer is upon us. Traditionally, this is the season when Americans pack the family car to head out for a well-deserved vacation. Unfortunately, this year, many will not be able to do this because gas prices are too high due to the failed economic and energy policies of this administration and lack of action from the Senate.

House Republicans have crafted and passed many bipartisan bills to address this issue, but Senate intransigence has prevented them from moving forward, which is what the people we represent. Today, House Republicans will offer another solution, H.R. 4480, the Domestic Energy and Jobs Act. This legislation promotes job creation and addresses the high energy costs which are burdening so many families and small businesses across America.

Madam Speaker, the May jobs report and the high cost of energy demand immediate action. House Republicans are answering the calls from Americans with this act. I urge my colleagues to support this very important legislation.

**CONGRESSIONAL OVERSIGHT OF THE UNITED STATES ATTORNEY GENERAL**

(Ms. Jackson Lee of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. Jackson Lee of Texas, Madam Speaker, the Constitution is an enormously important document. The oversight of Congress is an enormously important responsibility. Lives lost in the course of various activities of our law enforcement are issues that we take with great concern.

As a member of the Judiciary Committee, it has been my responsibility over the years, from impeachments to Waco to issues beyond, to look deep into the facts, and I respect that. I’m appalled, however, when the chief law enforcement officer of the United States is called a liar. And I stand on this floor to reject any thought that a
United States Attorney that takes an oath of office would lie.

We can find a resolution to the facts of Fast and Furious, started under the Bush administration, that have been reinvestigated and reinvestigated. But we do not have to malign Attorney General Holder for doing his job. And I would ask this Congress to ultimately reject any contempt charge against the chief law enforcement officer, and to denounce lying.

☐ 1230 OPTION ACT

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

Mr. BROUN of Georgia. Madam Speaker, ObamaCare has not taken full effect yet, but it is already crippling our country and our economy: premiums are rising; businesses are shedding jobs; doctors and patients are constantly dealing with a third party making health care decisions—and that's the Federal Government.

Fortunately, the Supreme Court has some of these same concerns about ObamaCare; and, hopefully, they will strike down both the individual mandate and the entire law. However the Court rules, though, ObamaCare must go.

In the GOP Doctors Caucus, we know that the American health care system needs some serious surgery. We have brought forth many ideas to do just that. For example, my OPTION Act will revitalize American health care, not through government interference but by giving doctors and patients full control over their dollars and their decisions. When ObamaCare fails, my bill stands ready to provide the health care relief that Americans both want and need.

I hope my colleagues on both sides of the aisle will look to the OPTION Act as the example of what real reform looks like.

REJECT THE DOMESTIC ENERGY AND JOBS ACT

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

Ms. HAHN. Madam Speaker, I grew up in Los Angeles in the fifties, which was when the smog was so bad that we actually had to stay inside the classroom during recess; and when you tried to inhale deeply, the pain in your chest was so severe from the pollution and the smog.

Thanks to government intervention, we have made huge strides, not only in Los Angeles but throughout this country, in cleaning our air for the health of our children. We've made progress, but we need to make a lot more. Unfortunately, to continue to combat this problem, Congress should take bold steps to invest in clean-energy technology, including in new electric vehicles and in the infrastructure to charge them.

But with H.R. 4480, my Republican friends are denying not only Los Angeles but all cities in this country the tools they need to continue to improve our air and improve our health. This bill would rob the EPA of the ability to effectively enforce clean air laws, and it would deepen our dependency on dirty fossil fuels.

15TH ANNUAL CONGRESSIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

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

Mr. BARTLETT. Madam Speaker, tomorrow is the 15th Annual Congressional Renewable Energy and Energy Efficiency EXPO and Forum from 9:30 a.m. to 4:30 p.m. in the Cannon Caucus Room as well as in room 340 Cannon. It features more than 50 exhibitors, including six from Maryland; and it features 30 speakers, including Members of Congress, the executive branch, and the private sector.

Come and learn the present status and near-term potential of how the cross-section of renewable energy—that is biofuels-biomass, geothermal, solar, water, wind—and energy efficiency technologies are creating jobs and meeting 11.7 percent of domestic U.S. energy production and 12.7 percent of net U.S. electrical generation.

I encourage Members, staff and visitors to attend tomorrow's 15th Annual Congressional Renewable Energy and Energy Efficiency EXPO and Forum.

DISCLOSE ACT

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

Mrs. DAVIS of California. Madam Speaker, Justice Brandeis said that sunlight is the best disinfectant. Sadly, in Citizens United, the Roberts' Court turned its back on this wisdom, and it has given corporations the power to influence our government from the shadows.

To say that these are not dark days for our democracy is not an understatement. Millions upon millions of dollars are flowing into our political system through super PACs, but the identities of the donors who supply this money remain hidden.

Let's not fool ourselves. Let's not fool ourselves into thinking that the identities of these donors are a secret to the politicians whose campaigns are being helped by their money. To ignore the potential for unease influence here is truly naive. When one donor can decide the fate of a legislator's re-election, then clearly wield a great deal of power.

We should come together to pass the DISCLOSE Act, which allows the public to see who is making these mega-donations, and together we can let sunlight back into our democracy.

CONGRESSIONAL ART COMPETITION

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

Mr. COSTA. Since 1982, the Congressional Art Competition has recognized the special power that the art has had in our Nation's classrooms.

Today, I have the pleasure of recognizing my district's Art Competition winner, Sarah Fanucci, who credits the arts for helping her overcome her learning challenges.

From an early age, Sarah struggled with reading and math, but she excelled with a sketchbook and a pencil in hand. Once her teachers at Bakersfield's South High tapped into that talent, Sarah's life changed. She became excited about school, and her grades improved. Sarah's mother, Carrie, said, "Art was and, I suspect, always will be her refuge. It was her place to begin to shine, her place in school to belong." Carrie and Sarah are more than mother and daughter; they are best friends.

As I welcome her and her family to Washington this week, I applaud Sarah's artistic feat. More importantly, her perseverance through her challenges is what I find most impressive about this young lady's life she has created is something any parent or teacher can and should be proud of as she continues to add value to our Nation's fabric.

PROVIDING FOR CONSIDERATION OF H.R. 4480, DOMESTIC ENERGY AND JOBS ACT

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 691

Resolved, That at any time after the adoption of this resolution the Speaker may, 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 the consideration of the bill. The Speaker shall provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed two hours equally divided among and controlled by the chair and ranking member of the Committee on Energy and Commerce and the chair and ranking minority member
of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-24. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment unless agreed to by a majority of a quorum of the Committee, shall be in order as original text. The previous question shall be considered as ordered on all amendments to the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may move a separate amendment in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to reconsider with or without instructions.

Mr. BISHOP of Utah. I also ask that all Members may have 5 legislative days during which they may revise and extend their remarks.

Mr. BISHOP of Utah. I rise in opposition to the rule and the underlying bill, H.R. 4480, the so-called Domestic Energy and Jobs Act, what is really a death and destruction act, an act that will directly lead to the death of American citizens from various health-related causes—including cancer—and destruction. It is the destruction of not only our environment, but of our quality of life, including our quality of life in my home State of Colorado that is such an important part of driving our economy forward and creating jobs.

Under this repressive rule, commonsense amendments to this drastic death and destruction bill, the House majority has blocked many amendments offered by Republicans and Democrats alike. Under this restrictive rule, commonsense amendments were blocked, including an amendment I offered that would have directed a study on the impacts of oil shale development on agricultural and municipal water usage. My colleague from California, Representative Napolitano, offered a similar amendment in committee.

Those of us in the West, where farmers, ranchers, and community leaders consistently keep our abreast of water issues—and water is our most precious resource—know that we need some commonsense and objective data with regard to how energy production impacts resources, particularly our most precious resource: water.

What lies at the heart of this death and destruction bill is simply a false premise. It’s the false premise that somehow the United States is failing to make good on its natural energy resources.

The fact is, as a result of President Obama’s all-of-the-above energy strategy, our Nation’s dependence on foreign oil has fallen drastically, and crude oil production in the United States is at an 8-year high. President Obama has increased production of crude oil substantially over the Bush Administration’s low levels. The President’s policies are demonstrating that we can have an approach to energy in the United States that boosts oil and gas...
production and invests in the next generation of cleaner, job-creating, renewable energy technologies, such as wind, solar, and geothermal.

In contrast to the President’s all-of-the-above approach, which will lead to reductions in gas prices and a sustainable and secure energy future for our country, this death and destruction bill before us today is an oil-above-all approach. This death and destruction bill hands public lands that we all value over to the oil and gas industry and undermines the laws and rules that have made our air and water cleaner and safer over the past 40 years.

One of the scariest provisions in this package would gut important health-based standards provided for in the Clean Air Act established on a bipartisan basis in 1970. The Clean Air Act-based standards are especially important for protecting children, the elderly, and others who are susceptible to harmful air pollution.

Many nonpartisan public health and medical organizations have recognized that this bill would override clean air standards that have protected American people and families from harmful pollution in the past 40 years. That is why the bill as written, which the majority purports deals with energy, we’ve heard from pediatricians, we’ve heard from doctors, we’ve heard from health care providers that this would lead to death, as well as the destruction of jobs, as well as the destruction of recreation, grazing, environment and recreational opportunities.

Another controversial partisan provision in this bill would open up vast quantities of public lands to drilling. The bill sets an arbitrary requirement on the Department of the Interior to offer oil companies at least 25 percent of onshore areas that industry nominates each year. Let me say that again. The Department of the Interior wants to open up more lands to industry, even though oil and gas companies hold more than 25 million acres of public lands on shore where they’re not producing oil and gas. In addition, these companies are sitting on 6,700 drilling permits that have been approved that they are not using. They need to explore lands where they already hold energy leases.

This is not a sensible energy policy. It’s called an old-fashioned land grab and an old-fashioned water grab. They’re coming after our land in the West, and they’re coming after our water in the West. We’re not going to take it sitting down.

Another extreme provision is that this bill would overturn the Federal Land Policy and Management Act to elevate energy production above other public land uses. My constituents in Colorado are tremendously concerned that somehow oil production would trump job-creating activities, including mining, conservation, mainstays of jobs and the economy in my district that would be overridden in the name of oil, which would destroy jobs and destroy the health of Colorado families and families across the United States.

Another provision in this bill turns the review of applications to drill into nothing more than a rubber stamp. The bill says that if the Secretary of the Interior doesn’t make a decision within 60 days, it’s automatically approved. It will be automatically approved with no process.

At the same time, many of the proponents of this bill are attempting to gut the budget of many of the agencies that need to review these applications, effectively ensuring that no application can properly be dealt with and evaluated within 60 days, and therefore they would all be automatically approved regardless of the impact on people’s health or economic opportunities and jobs.

Now there are so many troubling provisions in this bill. Another one—and this one would likely violate our Constitution, which we began this session of Congress by reciting very publicly in this body—it would limit a citizen’s right to have a reasonable period of time to lease and permitting and drilling by making all dissenters pay a $5,000 fee.

Now imagine you are a Coloradan, an Arizonan, a Pennsylvanian, a Texan who’s concerned about drilling near your home, near your school or near your ranch. Now under this death and destruction bill, opening your mouth would cost you $5,000. Free speech would no longer be free, if this bill passes.

Madam Speaker, public lands are just that, public. We all own a share of them. We all benefit from them. They’re not the private playground of oil and gas companies. They’re owned by all Americans. And all Americans should have a say in how they’re used, not just Americans who cough up $5,000.

Well, this bill would grant the oil and gas industry’s wish list by opening up public lands and rolling back public health safeguards, hurting health and killing American families. But one thing this bill will not do is lower the price of gasoline. Economists agree: this bill has no impact on the price of gasoline.

There are actually now more drilling rigs in operation in the United States, thanks to President Obama’s leadership today, than the rest of the world combined. In addition, the number of drilling rigs has doubled, doubled since 2009. President Obama’s leadership has doubled the number of drilling rigs since 2009.

Now research going back more than three decades shows that there is very little correlation between the volume of domestic oil and the price of gasoline at the pump.

Go ahead and tell the American people that we want oil and gas companies to drill anywhere they like with no regard for public health. Is that the message that we want to send? This bill, this death and destruction bill, would not only lead to the deaths of Americans but would destroy jobs, destroy economic opportunities, and destroy recreational opportunities. It’s nothing short of a Federal land grab and a Federal energy grab.

Representing my constituents in Colorado, I encourage my colleagues to say, “Heck, no,” on both the bill as well as the rule.

I reserve the balance of my time.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from North Dakota (Mr. BERG), the gentleman whose home State has provided a program of death and destruction which has led to a 3 percent or less unemployment rate, through jobs in energy production. Mr. BERG. I thank the gentleman for recognizing me today.

A large part of our economic success is due to a comprehensive energy policy and a commonsense regulatory environment, which we have in North Dakota, is known as EmPower North Dakota. In North Dakota, we know that all energy production is good energy production. Rather than picking winners and losers in energy, this EmPower act creates a stable, business-friendly climate. It does this by encouraging all energy production.

North Dakota embraces all forms of energy production and natural resource capabilities across our State. EmPower North Dakota is really proof that “all-of-the-above” really does work, and there’s no reason why we should not be taking this proven approach to developing energy and domestic energy production and applying it nationwide.

That’s really the goal of this legislation that’s being considered here in the House today.

I am proud to offer my strong support for this legislation, and I encourage all of my colleagues to do the same by supporting this approach.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentleman from Colorado for yielding the floor.

Madam Speaker and colleagues, I rise to oppose the rule and the underlying bill for three primary reasons. First, the package is very poor public policy. Second, I offered a commonsense amendment, and the Republican majority rejected it from being debated, so it will not be heard today, unfortunately. And third, the House of Representatives shouldn’t be wasting its time on a
package that’s not going anywhere. Instead, we should be focused on job creation, especially passage of the transportation bill, through which we could create thousands and thousands of jobs across the country.

But first, we marked up part of this package in the Energy and Commerce Committee, it became apparent that this package is chock-full of detrimental policy decisions for America. It creates new bureaucracies when it comes to energy policy and undermines the 17-year-old law that protects American families all across great Nation.

Second, if my colleagues recall, following the BP Deepwater Horizon blowout in the Gulf of Mexico, a major flaw in the law came to light: that the Department of the Interior’s monetary penalty for companies violating offshore drilling laws is limited to $40,000, and for major onshore drilling violations, it’s only $5,000. So these amounts are not enough of a deterrent for bad behavior. That’s why I offered an amendment to give the Secretary of the Interior the authority to increase civil fines against oil companies that violate the law while drilling. But unfortunately, my Republican colleagues have once again blocked sensible policy in order to protect Big Oil.

The Deepwater Horizon disaster was a major economic blow to my home State of Florida. If our laws do not establish appropriate deterrents, then you put our jobs at risk. Our tourism industry, small businesses, restaurants, fishermen, and the military rely on clean water and clean beaches. And our laws should protect American families and businesses, and not just Big Oil.

Finally, I strongly disagree with the Republican majority’s decision to block the transportation bill and the thousands and thousands of jobs that are dependent on it. The Republican inaction on a bill that passed the United States Senate in a bipartisan way with over 70 votes is being blocked here on the floor of the House, and people should be up in arms. At a time when we’ve got to make greater progress when it comes to putting people back to work, that’s the best path forward. I think the Republican inaction is causing great economic harm across the country, and that is what we should be debating today.

Mr. BISHOP of Utah. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana, Dr. BOUSTANY, a State that truly understands what it means to have an all-of-the-above policy for energy production, and what energy means to job creation.

Mr. BOUSTANY. I thank the gentleman for yielding time to me.

Madam Speaker, the sad fact today is that this country does not have a coherent energy strategy, pure and simple. Now I can tell you, I come from Louisiana, where we know firsthand, probably more than any other State, that good energy policy can march hand-in-hand with good economic policy and good environmental policy. We’ve lived that life. We know that the energy sector, American energy production, creates good-paying jobs. Many of these jobs go to people from families that have never had anyone attend college, and they have been able to pay for college for the next generation. These are good-paying jobs, better paying than most.

The first step in energy policy is, number one, don’t punish your current energy production. Don’t punish American energy production. And that’s what we’ve seen from this administration. Four straight years of proposing high taxes, new taxes on independent small energy companies, small oil and gas companies. Now, tax law, as a matter of fact, when we ought to be developing our energy production makes no sense at all. Secondly, what’s our transition strategy? We clearly have an abundance of oil and gas, new reserves, new technology.

We have led the world in this. We ought to be developing it. And we can achieve energy security for this country and create good-paying American jobs.

This administration proposed a moratorium on drilling in the Gulf of Mexico. And now, yes, they lifted the moratorium, but they still continue to slow walk the permits. This bill would go forward and help us to streamline that process so we can get American energy production back on line in the Gulf of Mexico and to develop our energy security needs. We have the reserves. We have the energy. We need the permits.

The American energy production sector from upstream, midstream, downstream is accountable for 6 million jobs in this country; and we can grow more jobs. We can grow more jobs beyond gas—that—good-paying jobs—if we do this—and meet our energy security needs.

The bottom line is this: I would ask my colleagues on the other side of the aisle to take a look at that plaque up there near the ceiling just above the Speaker’s chair. Read the first sentence. It says: “Let us develop the resources of our land,” a quote from Daniel Webster. We should heed that advice. We should develop the resources of our land.

Let’s develop our American energy production in the Gulf of Mexico and Alaska. Let’s develop it in the shale plays. Let’s create jobs. Let’s create a secure energy future for this country, and let’s move this country forward.

Mr. POLIS. If we defeat the previous question, we’re going to go against this rule that will allow the House to consider the Stop the Rate Hike Act of 2012, legislation that would keep the student loan interest rate low and reduce the deficit. If Congress fails to act, more than 7 million students across this country will see their student loan interest rate double come July 1, just around the corner. It’s outrageous that at this time of slow and painful economic recovery, the Republican majority continues to refuse to work on this issue in a bipartisan way.

I wish to introduce Mr. COURTNEY.

Mr. COURTNEY. Thank you, Mr. POLIS, for yielding and for, again, bringing this issue back to the floor, which, as my chart indicates, we’re now down to 10 days.

When this chart was first created, it was 110 days, and it coincided with the delivery of 130,000 petition signatures from college campuses all across America, pleading with Congress to listen to President Obama’s challenge on January 25 right from that podium that we cannot block the increase from going through.

My legislation, which was introduced at midnight the same night, had 152 co-sponsors to lock in the lower rate. For 3 months, nothing happened. A bill was rushed to the floor by the majority without any consultation with the other side. It took money out of a fund to pay for cervical cancer screening and diabetes screening, a hyper-partisan measure which the President indicated he would veto even before the vote was taken.

The good news is Mr. BOEHNER has already moved away from that proposal. He sent a letter with Senator McCONNELL to the Senate leadership offering a balanced approach and which will provide a pay-for, not the kind of measure which the President indicated he would veto even before the vote was taken.

The proposal, the Tierney bill is a perfect opportunity for us to do something which, again, has a balanced approach and which will protect students from the doubling of their student loan interest rates.
Mr. BISHOP of Utah. I am pleased to yield 3 minutes to a Member who is really a great and wonderful Member of this body, the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman for yielding time.

Madam Speaker, our economy is struggling, the American people need jobs, and too many families are struggling with the burden of ever-rising energy prices. It’s certainly long past time for the Federal Government to act; and, today, this House will act.

This Nation, Madam Speaker, has been blessed with so many vast energy resources that if we actually advantage ourselves, we could actually meet all of our Nation’s energy needs. We could create countless good-paying jobs right here at home. We could provide needed funding for our Federal Treat to our energy economy, and make our Nation more secure.

But, unfortunately, we don’t do that. Instead, in fact, we are nearly the only Nation I think on the face of the planet, really, that does not take advantage of our own natural energy resources. Instead, we, unfortunately, have made the choice to rely on foreign sources of energy to meet many of our needs—many from unstable or unfriendly nations whom we export literally hundreds of billions of dollars of our national wealth each and every year and we bypass the opportunity to create needed jobs right here at home.

This absolutely needs to change. When I first came to this body, I was told about an all-of-the-above energy strategy, his actions tell a different story, really. While exploration of oil and other energy resources is up overall, it’s been reduced on lands under Federal control under this administration. And this administration’s EPA has made the coal industry public enemy number one, even though it’s the cheapest and most abundant source of electric generation that we have here in our Nation.

Today, this House will act on a true all-of-the-above energy strategy. This legislation will streamline and remove government red tape as a hurdle to energy production. It will require our Nation to put forward goals for production of all energy sources, including oil, natural gas, coal, renewables, of course, on Federal lands. And it will make the permitting process much easier, and it will open up new areas to exploration and development both on-shore as well as offshore. This legislation will lower energy prices for hard-pressed consumers, and it will create good-paying jobs right here at home, and it will enhance our economic security and national security as well.

I certainly urge all of my colleagues to join me in supporting this critical legislation, and I support the rule as well.

Mr. POLIS. I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise to express my strong opposition to this rule and the underlying bill. We all know that high oil and gasoline prices take their toll on American consumers. Understandably, they want their elected officials to take action. But what the American people want are genuine promises, and they don’t want more political posturing designed to score cheap political points in an election year. And that’s all this bill gives us.

H.R. 4480 blocks and delays EPA air-quality protections—protections that haven’t even been proposed yet. It includes a radical proposal that damages the Clean Air Act goal that air should be clean enough to breathe safely. And it gives the Energy Department the job of developing a new drilling plan on Federal lands, even though this is not an area of expertise at all.

Madam Speaker, the idea behind this bill is just not thought out. It’s not a solution to high oil and gasoline prices, nor will it create the jobs it is supposed to create. It is really nothing more than a transparent attempt to use this issue as an excuse for advancing an agenda in order to hurt our precious resources of lands and our own health.

And that’s why I had sent to the Rules Committee a straightforward amendment that would have protected my State’s coastline from new offshore drilling. My Republican colleague from California, Mr. BILHRAT, had a similar amendment on the same issue; but this Rules Committee would not allow the amendment even to be debated, even to have its say on the House floor. A State where offshore drilling has been protected in State waters will now, because these amendments were not made in order, have to allow the Federal Government to work its will in contradiction to the State. And that’s wrong. That’s why Members from both sides should use their good sense and oppose this rule and oppose the underlying bill.

Mr. BISHOP of Utah. Madam Speaker, I am now pleased to yield 3 minutes to the distinguished gentleman from Texas, Chairman HALL, who has probably heard many of these arguments before.

Mr. HALL. Madam Speaker, I rise in support of H.R. 4480, the Domestic Energy and Jobs Act, a proactive piece of legislation that encourages and expands production of our vast domestic resources to help put Americans back to work.

I strongly believe that, other than prayer, energy is the most important word in the dictionary for our young people. It’s the foundation upon which our Nation has prospered and key to our quality of life and standard of living.

America is blessed with a wealth of natural resources and energy reserves, leading Citigroup to predict that we could soon become the world’s largest oil producer. The recent shale gas revolution has driven production to new heights and prices to new lows. It has created hundreds of thousands of new jobs and stimulated a resurgence of domestic manufacturing in this country. In 2010, unconventional natural gas production alone supported approximately 1 million American jobs.

Simultaneously, shale oil production has led to rapid and dramatic economic growth and job creation in places not typically known for energy production, such as North Dakota. People are flocking to the State to pursue the abundant opportunities in the Bakken shale. While the Nation suffers unemployment rates in excess of 8 percent, unemployment in North Dakota is the lowest in this country at just 3 percent.

The only thing preventing us from reaping the benefits of being a world leader in energy production is bureaucratic red tape. Permitting delays, declining production on Federal land, restrictions on access, and regulations all stand in the way. H.R. 4480 would free us from these barriers put forth by the administration and, instead, set us on the right track to unleash the full energy potential of this Nation.

This bill addresses numerous issues the Science, Space, and Technology Committee has examined, including, for example, costly Tier 3 regulations that would increase the price of fuel at a time when families can least afford to pay more for their commute. Not only would this standard place a burden on household budgets, but the EPA ignored the law by failing to complete a study on the detrimental effects of the RFS prior to beginning work on these standards. Quite simply, again the EPA failed to do its homework, instead barreling forward with regulations without a sufficient foundation.

Regulations like this one are far too often based on shaky science, devoid of adequate peer review, and rely on secret data EPA refuses to share with the public. The EPA ignores the scientific method in order to overstate the economic benefits of an attempt to justify their sizeable costs.

H.R. 4480 takes a timeout from EPA’s activist regulatory agenda and seeks to put our country on track to pursue a genuine all-of-the-above energy strategy that would expand opportunities for production rather than stifle them.

I urge Members to support this rule as well as the underlying bill.

Mr. POLIS. Madam Speaker, this is a reminder when we are hearing about energy, when we are hearing from the Academy of Pediatrics, the Heart Association, the American Lung Association, the Public Health Association, the National Association of City and County Health Officials, a number of other signatories on this letter which says, very simply, that we should make sure that the EPA can determine whether our air is safe to breathe and not do it based on how much it costs to reduce air pollution.
write to express our strong opposition to H.R. 4480, which includes dangerous provisions that would block and delay important public health safeguards under the Clean Air Act. The Clean Air Act will not address rising gas prices, but it will needlessly weaken the Clean Air Act’s life-saving protections and delay much-needed air pollution safeguards.

Title II of H.R. 4480 indefinitely delays three overdue air quality safeguards, including standards for tailpipes emissions and gasoline sulfur content (Tier 3), air emissions standards for petroleum refineries and ground level ozone standards. Most egregiously, H.R. 4480 also repeals the health premia under the Clean Air Act.

In 1970, an overwhelming bipartisan majority in Congress agreed that to adequately protect public health, the U.S. Environmental Protection Agency (EPA) must set air quality standards to protect health with an adequate margin of safety. These standards are based on the best available health science. This system has worked for more than 40 years to let people know if the air is safe to breathe, and motivate action to improve air quality when it is not safe. EPA must have the authority to establish health-based ambient air quality standards.

The Clean Air Act fully considers cost and feasibility when deciding how to meet air quality standards. States and EPA consider these factors during the implementation process as strategies are implemented to meet standards. Just as a doctor does not diagnose a patient based on the cost of treatment, EPA should not determine whether the air is safe to breathe based on how much it might reduce air pollution.

The Clean Air Act is one of the nation’s premier public health laws. Since its establishment in 1970, the aggregate emissions of criteria pollutants decreased 71%, while the Gross Domestic Product increased 210%. Given the enormous contribution of the Clean Air Act to public health, we urge you to reject all efforts to weaken and delay it. Please vote NO on H.R. 4480.

Sincerely,

American Academy of Pediatrics
American Heart Association
American Lung Association
American Public Health Association
American Thoracic Society
Asthma and Allergy Foundation of America
Health Care Without Harm
National Association of City and County Health Officials
National Environmental Health Association
Trust for America’s Health.

Madam Speaker, I’m proud to yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentleman very much.

This is the latest Republican attempt to give away our public lands to the wealthiest oil companies in the world. This bill is the culmination of the Republican oil-above-all agenda. Instead of approving this legislative love letter to Big Oil, the majority should thank you note to President Obama for his actions to increase domestic energy production and decrease our dependence on foreign oil.

The truth is that oil production from Federal lands on shore today is higher than it was under President Bush. And across the United States, oil production from all public and private lands is unbelievably now at an 18-year high. Obama is drilling, baby; he’s drilling.

The Obama administration’s all-of-the-above strategy has also been successful in creating jobs. Since 2008, 14,000 new jobs have been created in oil and gas extraction. Thank you, President Obama. And 50,000 new jobs have also been created in wind and solar, but Republicans don’t want a real all-of-the-above energy strategy.

At the Rules Committee, I offered an amendment, along with Mr. WELCH, that would have established a national renewable energy standard. That amendment would have created wind and solar all across our country as a standard. That amendment was germane to this bill and had no budgetary impact, but the Republican majority refused to even allow us to debate an amendment so that Members could have a chance to vote on an actual all-of-the-above package that wasn’t just oil and gas.

And President Obama is about as good a President as you can have on that issue; but wind and solar and bio- mass and geothermal and all of these technologies of the future, they refused to even allow the Democrats to have a vote on them for this afternoon. They are not all of the above; they are oil above all. They don’t want wind and solar because the oil industry doesn’t want it, and the coal industry doesn’t want it because it’s real competition for the future.

The renewable electricity standard that I would have offered would have created 300,000 new jobs and saved consumers billions of dollars on their electricity bills.

In 2007, 32 Republicans joined 188 Democrats in overwhelming support of a similar renewable electricity standard. In 2009, the House again passed that policy on a bipartisan basis. It died in the Senate both times. Today, it dies on the House floor because the Republicans don’t want 32 Republicans to even have the right to vote for wind and solar and biomass and geothermal. They’re afraid Republicans might vote for it, so there’s a gag here, a gag order to the House floor saying no debate on the renewables because oil and coal don’t want it debated. There will not be a vote on this.

The majority has voted more than 100 times in this Congress to help the oil industry, but they have not voted once on an emergency in the year and a half that they have controlled the United States Congress.

Moreover, because they will not extend the production tax credit for wind, 40,000 jobs are going to be lost in the wind industry in the first 6 months of 2013. This is the Big Oil dream act. This is the dream act of the Republicans. This is something that should be opposed.

Mr. BISHOP of Utah. Ironically, I do agree with the gentleman from Massachusetts in one element of what he said, that this administration, President Obama, is drilling on permits that were granted by Bush and Clinton. The unfortunate side is that this administration is not permitting any new drilling permits for the future growth of this country.

With that, I’m pleased to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN) who has been working diligently for many years on this particular issue and has a clear understanding of it.

Mrs. BLACKBURN. I thank the gentleman from Utah for yielding the floor.

I am so pleased, Madam Speaker, that we are pushing forward on some bills that are going to actually create the environment for jobs growth to take place. Of course we know that that is needed by the American people. We hear a lot about the price at the pump. I have many friends who are the mom in the minivan and are getting children back and forth, to and from activities. And at $3.50 a gallon as the new normal, if you will, gas having doubled, the price of gasoline as a transportation fuel having doubled since this President was sworn in, this is something that women talk to us about every day. Clearly, we hear the American people are speaking out that they want action and they want to get back to work. The Domestic Energy and Jobs Act will do that, helping to create the environment for jobs growth to take place and helping to create the environment where we take actions to fuel our economy.

Our unemployment and under-employment numbers should be a wake-up call to the President. Clearly, the American people are speaking out that they want action and they want to get back to work. The Domestic Energy and Jobs Act will do that.

We are at the longest streak that we have had since the Great Depression, the longest streak with unemployment being above 8 percent. If you look at underemployment, it’s at 14 percent. Clearly, the American people are speaking out that they want action and they want to get back to work. The Domestic Energy and Jobs Act will do that.

I am so pleased, Madam Speaker, that we are pushing forward on some bills that are going to actually create the environment for jobs growth to take place. Of course we know that that is needed by the American people. We hear a lot about the price at the pump. I have many friends who are the mom in the minivan and are getting children back and forth, to and from activities. And at $3.50 a gallon as the new normal, if you will, gas having doubled, the price of gasoline as a transportation fuel having doubled since this President was sworn in, this is something that women talk to us about every day. Clearly, there are deep concerns about this.

The greatest potential for economic growth in this country can be found in this Nation’s precious natural resources, in our energy resources. While the President is clearly preoccupied with telling Americans what we won’t do on energy, what he will not take steps to do, the economy and jobs and what he isn’t going to do there, House Republicans are laying out a pathway for what we can do.

By working hard, we can empower those innovators to harness our domestic energy capabilities using so many
of those new technologies that are out there, new innovations that have been brought forward by so many of the petroleum engineers and the innovators in this country.

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

Mr. BISHOP of Utah. I yield the gentleman 1 minute.

Mrs. BLACKBURN. I have to say this: with every new discovery of Amencan energy and every new technology advancement, we are able to put more into the marketplace for our Nation’s manufacturers, engineers, our leasing specialists, our rig operators, and much more.

I recently had the opportunity to be back in south Mississippi, where I grew up. I had the opportunity to talk with some of the men and women who are involved and working and innovating in the oil and gas industry every single day. With the degree of advancement and the number of opportunities that exist if the Federal Government will get out of the way and return our focus to creating the environment for energy exploration and job growth to take place in this great Nation.

Mr. POLIS. Madam Speaker, it’s my honor to yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, the gentlelady was quite correct about worrying about the price of gasoline. And as you sit around talking about that, you ought to be concerned about the 26 million gallons of gasoline that’s exported from the United States every day. You might also want to consider that the price of natural gas has plummeted by more than 60 percent during the Obama administration, providing us with an extraordinary opportunity for growth.

But what I’d really like to talk about is, this bill is not a Strategic Energy Production Act. It does not deal with the hiểm of the gasoline. In fact, the wind and energy industry in the United States is about to come to a screeching halt. Seventy-five thousand jobs are presently in this industry. We are already beginning to see the downsizing—17,000 are now being laid off because the production tax credit is not being extended. If we were to extend the production tax credit, we could probably find another 37,000 people working next year.

If we added to this my piece of legislation, H.R. 487, which requires that our tax dollars—in this case, the production tax credit—be spent on American-made equipment, we could see, perhaps, even more manufacturing in the United States.

Bottom line: the Strategic Energy Production Act is an act for the oil and coal industry. It is not for America. We need to change that. We need to look.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Speaker, I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act, a package of seven bills that, taken together, will create jobs and make America more energy independent.

There are a number of provisions, but among them the bill reforms and streamlines the energy permitting process by setting firm timelines for legal challenges and limiting the duration of injunctions. This provision is critical because it means we will get the red tape, the Washington red tape, and the constant wave of lawsuits by radical environmentalists that have prevented many American energy projects from ever getting off the ground. Some of them have been stalled for decades. Too often, activist Washington lawyers come between the American people and abundant affordable energy. With this bill, we are fighting back.

According to the U.S. Chamber of Commerce’s report, energy permitting reform could unleash investment to the tune of $3.4 trillion in economic benefits and over 2.6 million jobs created.

All you’ve got to do is look at the State of North Dakota, and the benefits of producing American energy. Oil and gas production is booming, the State has a 3 percent unemployment rate—wouldn’t we like to have that nationally? Good grief. And workers are sleeping in their cars, many of them, because the housing supply can’t keep up with the demand.

In my home State of Arkansas, we’ve got our own success story. Production in the Fayetteville shale and the Brown Dense Formation has and will continue to create jobs and American energy, but we can’t afford to let up. We have talked too much about job creation and energy independence. We need less talk and more action.

I urge all of us to support this important bill to create jobs and increase American energy independence.

Mr. POLIS. Madam Speaker, I would like to yield 1 minute to the gentleman from California (Ms. LEE).

Mrs. LEE of California. Let me thank the gentleman for yielding and for your tremendous leadership on this issue. Of course I rise in strong opposition to the rule and also the bill.

This so-called Domestic Jobs and Energy Act is yet another example of how the Tea Party-led House is wasting the American people’s time by passing legislation that will never become law.

This unconscionable wish list for Big Oil contains dangerous provisions that would irresponsibly expand drilling on public lands, roll back policies to propel the most vulnerable—over these troubled waters. This giveaway to Big Oil will not do that. We need to protect the public health of the American people.

Mr. BISHOP of Utah. I am pleased to yield another 30 seconds.

Ms. LEE of California. In conclusion, this Congress must ensure that our Nation’s safety net is a bridge that is strong enough to deliver us all—even the most vulnerable—over these troubled waters. This giveaway to Big Oil will not do that. We need to protect the public health of the American people.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to another member of the Resources Committee here who understands this issue very well, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Madam Speaker, this act removes the obstacles that are blocking our efforts to achieve greater American energy production and job creation by providing more certainty and clarity to the public lands leasing and permitting process.

In particular, my part of this legislation will ensure that Federal oil and natural gas lease sales occur on a consistent basis and provide the necessary lease certainty so production is made easier.

Currently, there are roughly 1.631 outstanding projects on Federal lands, including lands in Colorado, which have been delayed over 3 years. Federal regulatory delays to these projects prevent the creation of over 60,000 jobs.

We have endured several years of over 8 percent unemployment. Over 12 percent of our veterans who have served in Iraq and Afghanistan are still out of work. The fact that we are not fully benefiting from the employment and financial potential of our energy resources is simply wrong.

The President often boasts about his energy record, but this administration regularly delays and blocks leases. In fact, BLM only approved 11 oil and gas leases in Colorado in 2011 where, in 2006, there were 363 approvals.

We in Colorado understand the importance of harnessing our own resources and the value it provides our economy. The oil and gas industry in Colorado directly employs 50,000 people and supports over 190,000 jobs in our State. This industry is responsible for roughly 6 percent of total employment in Colorado. We have an opportunity with this legislation to create jobs by developing our own resources right here at home.

Opponents of domestic energy exploration claim the industry already has enough permits, but there are not producing the wells. These critics point to recent Department of the Interior reports that this report represents the
reasons for nonproducing wells. More often than not, the factors that cause our production are delays instituted by the Interior Department itself by requiring redundant reviews of projects, one example being the newest Master Leasing Plans instituted by the Secretary.

Delays also occur because exploration companies do not have full information as to the capacity of production on the land until after the lease sale is finalized. Therefore, some leases prove to be noncommercial and go unused. Although industry has already paid the government thousands of dollars in fees for the opportunity to explore, many times they receive no economic benefit, and the risk is entirely on them.

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

Mr. BISHOP of Utah. I yield the gentleman an additional minute.

Mr. COFFMAN of Colorado. Let me also be clear. This fact is largely missed by the opponents of this legislation. Only lands that are already approved by BLM for exploration can be nominated by industry. This bill is not a green light for immediate production on all Federal acres. Rather, it grants access to a very small percentage of the total of Federal lands.

As a Coloradoan, I respect the need to preserve our wilderness areas, but I also understand the need to responsibly capitalize on our vast resources in order to get people back to work.

As a Marine Corps combat veteran who has served multiple tours in the Middle East, I fully understand the need to reduce our reliance on foreign oil, and this legislation will help do that.

For these reasons, I ask my colleagues to vote “yes” on certainty, “yes” on jobs, and “yes” on the final passage of the Domestic Energy and Jobs Act.

Mr. POLIS. Madam Speaker, I ask unanimous consent to insert the text of the 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 Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, since the House majority doesn’t appear willing to move forward on this issue, we have to take this action today to defeat the previous question so the rule can be amended to allow for consideration of my bill, the Stop the Rate Hike Act of 2012. That bill continues the current need-based Stafford loan interest rate cap for 1 year and offsets the cost by closing a tax subsidy for the oil industry, just one tax subsidy, one that they weren’t originally intended to benefit from at any rate. I think that’s a fair and reasonable plan for eliminating an unjustified giveaway to a hugely profitable industry so millions of our constituents do not see an increase in their student loans.

I urge my colleagues to defeat the previous question so the House can consider that bill and stop the student loan interest rate hike.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. POLIS. I would like to inquire of the other side if he has any remaining speakers.

Mr. BISHOP of Utah. No; I think I’m it.

Mr. POLIS. Very good. Then I’m prepared to close and I will yield myself the balance of the time.

Now, this rule only provides for consideration of certain amendments. Why are the Republicans so concerned with letting the House work their will on such an important bill?

Now, a number of these measures have been brought forward by Representatives from Colorado. I want to be clear that these are policies that are not universally supported in Colorado and many of the policies contained in this set of bills would destroy jobs as well as the quality of life and health of not only Coloradans and the West, but the entire country.

In Colorado, we’ve created a balanced approach to energy policy that’s worked. In some areas we lease, some areas we use for other purposes, some areas we protect. Many Colorado small business owners agree, our parks and public lands are critical not only to the economy and job growth, hiking, fishing, hunting, the outdoor industry, but also to our quality of life and our health.

This job-destroying Federal landgrab, Federal water grab bill would put tens of thousands of Coloradoans out of work and destroy the quality of life for our entire State. This bill puts the wish list of the oil and gas industry above all the other users of public lands, above the interests of hunters, above the interest of skiers, above the interest of conservations. This bill is out of touch with the citizens of Colorado and will destroy jobs in Colorado and throughout the country.

Look, companies are able to drill. They’ve been drilling the last 40 years. President Obama’s leadership has led to twice the number of drilling wells. Our energy production is at an 8-year peak from oil and gas, and we continue to increase our energy production on public lands, and there’s a responsible way to do it.

But we need a balanced approach that doesn’t throw out the good along with the bad. These bills contain many provisions that protect the health of children and the health of families, to protect our jobs in the outdoor industry, that protect our jobs in the recreation industry and protect our quality of life across the Western United States, and laws that protect our water and laws that protect our air.

This bill, this series of omnibus death and destruction bills, simply fails that test. The American people deserve more than the death and destruction, oil above all omnibus package that’s being offered here today. While millions of Americans are waiting in the unemployment lines, we need a bill that creates jobs rather than destroys jobs.

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An increased concentration of toxic chemicals can harm the health of American citizens and Coloradans. Now there is great promise and opportunity in technology that will allow companies to drill with less of an impact on
human health and the environment. That's why we have a regulatory framework. It is to ensure that there is incentive to make sure that American families are safe.

This package of job-destroying bills that have been brought before us today would harm our sensitive lands and constitute a Federal land grab and Federal water grab, all without lowering the price at the pump and destroying tens of thousands of jobs in the process.

This death-and-destruction bill is simply not what this country needs to move forward. I urge my colleagues to oppose the rule and to oppose the bill. I urge a "no" vote on the rule and to defeat the previous question.

I yield back the balance of my time.

Mr. BISHOP of Utah. I yield myself the balance of my time.

In the 111th Congress, when the other side was in charge, H.R. 2454 was brought to the floor. It was called the American Clean Energy and Security Act. There were 224 amendments submitted, and one was made in order. In our bill today, 27 amendments are made in order, two-thirds of which are Democrat amendments. This is a very good bill providing for an open and clear debate on the particular issue.

Let's face it, Madam Speaker. The United States has a lot of untapped areas on public lands that are not only in oil and oil shale but in natural gas and coal. We are an energy-rich country. We are an energy-producing country. It's about time we recognized that fact and developed the energy that we have for the betterment of our people and for job creation.

We need an all-of-the-above strategy that is not just a rhetorical exercise in an election year but an all-of-the-above strategy that, actually, really creates something without hidden delays distinctive as procedural practices and processes.

This bill will create jobs. This bill will keep American dollars at home. This will provide economic growth instead of sending our money abroad. This is a good bill, and it is an incredibly fair rule. I urge its adoption.

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

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

Sec. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause (2) of rule XVIII, declare the bill referred to the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4816) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

As the reading of the bill shall be dispensed with.

All pending consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the Chair and the ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may be necessary. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on the motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day following after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

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. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the subject before the House to be debated.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as a "motion to direct or control the consideration of the subject before the House being made by the Member in charge." To 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, 1926, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the previous question 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 member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question has been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition. Because 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 prevent 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 controls the time, a Member who yields for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion to order 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 controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Mr. BISHOP of Utah. With that, 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.

RECORDED VOTE

Mr. POLIS, Speaker of the House, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to instruct conferences offered by Mr. WALZ of Minnesota.

The vote was taken by electronic device, and there were—ayes 242, noes 183, not voting 7, as follows:

(Call No. 389)

AYES—242

Adams 
Aderholt 
Akin 
Alexander 
Amash 
Amodei 
Bachmann 
Bartlett 
Barton (TX) 
Bass (NY) 
Benshieker 
Berg 
Boustead 
Bilirakis 
Black 
Blackburn 
Bono Mack 
Boren 
Boren 
Brady (TX) 
Brooks (GA) 
Buchanan 
Bunson 
Burgess 
Calvert 
Camp 
Campbell 
Canseco 
Cantor 
Cpong 
Carson 
Carter 
Classady 
Chabot 
Chaffetz 
Chandler 
Cole 
Coffman (CO) 
Cole 
Conaway 
Crawford 
Crawley 
Crenshaw 
Culberson 
Davis (KY) 
Denham 
Dent 
Diaz-Balart 
Dixon 
Dold 
Dreier 
Duffy 
Duncan (SC) 
Duncan (TN) 
Eilers 
Emerson 
Eisenhauer 
Fincher 
Flake 
Flake 
Fleischmann 
Hayworth
WASSERMAN SCHULTZ, Ms. BROWN of Florida, Ms. SLAUGHTER, and Ms. VELAZQUEZ changed their vote from "aye" to "no.

MICTYRE and Mrs. MORRIS changed their vote from "no" to "aye.

The question was taken, and the Speaker pro tempore announced that the ayes had appeared to have it.
MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Minnesota (Mr. Walz) on which the yeas and nays were ordered.

The Clerk will redesignate the motion. The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct. This motion was taken by electronic device, and there were—yeas 366, nays 34, answered “present” 1, not voting 11, as follows:

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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.

FOOD AND DRUG ADMINISTRATION
SAFETY AND INNOVATION ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3187) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Food and Drug Administration Safety and Innovation Act".

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.
(a) Table of Contents.—The table of contents of this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO DRUGS
Sec. 101. Short title; finding.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Reauthorization; reporting requirements.
Sec. 105. Sunset dates.
Sec. 106. Effective date.
Sec. 107. Savings clause.

TITLE II—FEES RELATING TO DEVICES
Sec. 201. Short title; findings.
Sec. 203. Authority to assess and use device fees.
Sec. 204. Reauthorization; reporting requirements.
Sec. 205. Savings clause.
Sec. 206. Effective date.
Sec. 207. Sunset clause.
Sec. 208. Streamlined hiring authority to support activities related to the process for the review of device applications.

TITLE III—FEES RELATING TO GENERIC DRUGS
Sec. 301. Short title.
Sec. 302. Authority to assess and use human generic drug fees.
Sec. 303. Reauthorization; reporting requirements.
Sec. 304. Sunset dates.
Sec. 305. Effective date.
Sec. 306. Amendment with respect to misbranding.
Sec. 307. Streamlined hiring authority to support activities related to human generic drugs.
Sec. 308. Additional reporting requirements.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS
Sec. 401. Short title; finding.
Sec. 402. Fees relating to biosimilar biological products.
Sec. 403. Reauthorization; reporting requirements.
Sec. 404. Sunset dates.
Sec. 405. Effective date.
Sec. 406. Savings clause.
Sec. 407. Conforming amendment.
Sec. 408. Additional reporting requirements.
(iii) the same product as another product that—

I (w)as approved under an application filed under section 505(b) or 505(i); and

(ii) is not in the list of discontinued products compiled under section 505(t); (iii) the same product as another product that was approved under an abbreviated application filed under section 505(f)(2) as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997; or

(iv) the same product as another product that was approved under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.";

(ii) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "fiscal years 2008 through 2012" and inserting "fiscal years 2013 through 2017;

(ii) in subparagraph (A), by striking "$392,783,000; and

(iii) inserting "$683,099,000; and";

and

(iii) by striking subparagraph (B) and inserting the following:

(B) the dollar amount equal to the inflation adjustment for fiscal year 2013 (as determined under paragraph (3)(B));

and

(ii) by striking paragraphs (2) and (4) and inserting the following:

(2) WORKLOAD ADJUSTMENTS.—For fiscal year 2013 and subsequent fiscal years, the fee revenues established in subsection (b) are adjusted for a fiscal year in inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications, as described in the notice that the Secretary is required to publish in the Federal Register under this subsection, efficacy supplements, and manufacturing supplements submitted to the Secretary, and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review as described during the most recent 12-month period for which data on such submissions is available). The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

"(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the sum of the amount under section (b)(1)(A) and the amount under subsection (b)(1)(B), as adjusted for inflation under paragraph (1).

The Secretary shall contract with an independent accounting or consulting firm to periodically review the adequacy of the adjustment and publish the results of those reviews. The first review shall be conducted and published by the end of fiscal year 2013 (to examine the performance of the adjustment since fiscal year 2008), and the second review shall be conducted and published by the end of fiscal year 2015 (to examine the continued performance of the adjustment). The reports shall evaluate whether the adjustment reasonably represents actual changes in workload volume and complexity and present options to discount, retain, or modify any elements of the adjustment. The reports shall be published by the end of fiscal year 2015.

"(C) LIMITATION.—Under no circumstances shall the adjustment under subparagraph (B) result in fee revenues for fiscal year 2013 that are less than the amount under paragraph (1)(A) and the amount under paragraph (1)(B).

The Secretary shall adjust further for such fiscal year to reflect changes in workload volume and complexity and present options to discount, retain, or modify any elements of the adjustment. The reports shall be published by the end of fiscal year 2015.
the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carriage balances for such process fees in 2 months of operating reserves, the adjustment under this paragraph shall not be made.

"(4) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, application, product, and establishment fees under subsections (a), (b), and (c) of section 736B (21 U.S.C. 379h–2) shall cease to be effective October 1, 2017.

"(5) LIMIT.—The total amount of fees charged as authorized under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications, and for the process for the review of device applications.

(4) in subsection (g)—
(A) in paragraph (1), by striking "Fees authorized" and inserting "Subject to paragraph (2)(C), fees authorized";
(B) in paragraph (2)—
(i) in subparagraph (A)(i), by striking "shall be retained" and inserting "subject to subparagraph (C) of paragraph (3), shall be retained and become available";
(ii) in subparagraph (A)(ii), by striking "shall only be collected and available" and inserting "shall be available in full";
(iii) by adding at the end the following new subparagraph:
"(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriation Act.";
(C) in paragraph (3), by striking "fiscal years 2008 through 2012" and inserting "fiscal years 2013 through 2017"; and
(D) in paragraph (4)—
(i) by striking "fiscal years 2008 through 2010" and inserting "fiscal years 2013 through 2015";
(ii) by striking "fiscal year 2011" and inserting "fiscal year 2016";
(iii) by striking "fiscal years 2008 through 2011" and inserting "fiscal years 2013 through 2016"; and
(iv) by striking "fiscal year 2012" and inserting "fiscal year 2017".

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.
Section 735 (21 U.S.C. 379g–2) is amended—
(1) by amending subsection (a) to read as follows:
"(a) PERFORMANCE REPORT.—

"(1) IN GENERAL.—Within fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—
"(A) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012 during the fiscal year and the future plans of the Food and Drug Administration for meeting the goals, including the status of the independent assessment described in such letters; and
"(B) the progress of the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in achieving the goals for meeting the goals, including, for each review division—
"(i) the number of original standard new drug applications and biologics license applications filed per fiscal year for each review division,
"(ii) the number of original priority new drug applications and biologics license applications filed per fiscal year for each review division;
"(iii) the number of standard efficacy supplements filed per fiscal year for each review division;
"(iv) the number of priority efficacy supplements filed for each fiscal year for each review division;
"(v) the number of all applications for review under accelerated approval per fiscal year for each review division;
"(vi) the number of all applications for review as fast track products for all fiscal years for each review division;
"(vii) the number of breakthrough designations for a fiscal year for each review division.

"(2) INCLUSION.—The report under this subsection for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.

(2) in subsection (b), by striking "2008" and inserting "2013"; and
(3) in subsection (d), by striking "2012" each place it appears and inserting "2017".

SEC. 105. SUNSET DATES.
(1) Authorization.
Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2017.

(2) Inclusion.—Section 106 of the Food and Drug Administration Amendments Act of 2007 (Public Law 110-85) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Amendments Act of 2007 (Public Law 110-45) is amended in the table of contents in section 2, by striking the item relating to section 106.

(3) Technical Clarifications.—
(1) Effective September 30, 2007—
(A) section 509 of the Prescription Drug User Fee Amendments Act of 2002 (Title V of Public Law 107-188) is repealed; and
(B) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188) is amended in the table of contents in section 1, by striking the item relating to section 509.

(2) Effective September 30, 2002—
(A) section 107 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105-115) is repealed; and
(B) the table of contents in section 1(c) of such Act is amended by striking the item related to section 107.


SEC. 106. EFFECTIVE DATE.
The amendments made by this title shall take effect on October 1, 2012, the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 107. SAVINGS CLAUSE.
Withstanding the amendments made by this title, paragraphs (2) and (3) of section 101(b) of the Prescription Drug User Fee Amendments Act of 1992 (Public Law 102-517) shall continue to be in effect with respect to human drug applications and

supplements (as defined in such part as of such date) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to any approving and collecting any fee required by such part for a fiscal year prior to fiscal year 2012.

TITLE II—FEES RELATING TO DEVICES
SEC. 201. SHORT TITLE: FINDINGS.
(a) SHORT TITLE.—This title may be cited as the "Medical Device User Fee Amendments of 2012".

(b) FINDINGS.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated to the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.
Section 737 (21 U.S.C. 379j) is amended—
(1) in paragraph (9), by striking "incurred after expenses"; and
(2) in paragraph (10), by striking "October 2001" and inserting "October 2011"; and
(3) in paragraph (13), by striking "is required to register" and all that follows through the end of paragraph (13) and inserting the following:
"is registered (or is required to register) with the Secretary under section 510 because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device.

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.
(a) TYPES OF FEES.—Section 738(a) (21 U.S.C. 379j(a)) is amended—
(1) in paragraph (1), by striking "fiscal year 2008" and inserting "fiscal year 2013";
(2) in paragraph (2)(A)—
(A) in the matter preceding clause (i)—
(i) by striking "subsections (d) and (e)" and inserting "subsections (d), (e), and (f)";
(ii) by striking "October 1, 2002" and inserting "October 1, 2007"; and
(iii) by striking subsection (c)(1) and inserting "subsection (c)"; and
(B) in clause (viii), by striking "1.25" and inserting "2";
(3) in paragraph (3)—
(A) in subparagraph (A), by inserting "and subsection (f)" after "subparagraph (B)"; and
(B) in subparagraph (C), by striking "initial registration" and all that follows through section 510," and inserting "of—
"(i) the initial or annual registration (as applicable) of the establishment under section 510; or
"(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:
"(b) FEE AMOUNTS.—
(1) IN GENERAL.—Subject to subsections (c), (d), (e), (f), and (i), for each of fiscal years 2013 through 2017, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the total revenue amounts specified in paragraph (3).

(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:
"(3) TOTAL REVENUE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

(A) $97,722,301 for fiscal year 2013;
(B) $112,580,497 for fiscal year 2014;
(C) $125,767,107 for fiscal year 2015;
(D) $129,339,949 for fiscal year 2016;
(E) $130,184,348 for fiscal year 2017.

(3) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) (21 U.S.C. 379j(c)) is amended—

(1) in the subsection heading, by inserting "ADJUSTMENTS" after "SETTING";
(2) by striking paragraphs (1) and (2); and
(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting before paragraph (4), as so redesignated, the following:

"(I) IN GENERAL.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2012, establish fees under subsection (a), based on amounts specified under subsection (b), and adjustments provided under this subsection, and publish such fees, and the rationale for any adjustments to such fees, in the Federal Register.

(II) ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—For fiscal year 2014 and each subsequent fiscal year, the Secretary shall adjust the total revenue amount specified in subsection (b)(3) for such fiscal year by multiplying such amount by the applicable inflation adjustment under paragraph (B) for such year.

(III) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment under subsection (c) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2014.

(4) BASE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—(I) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment for a fiscal year is—

(A) the product of the base inflation adjustment under paragraph (B) for such fiscal year and the percentage for all previous fiscal years for which the Secretary has not given a complete response on all previous cohorts for which the Secretary finds that such waiver or reduction is in the interest of public health;

(II) the average annual percent change in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 fiscal years, multiplied by 0.40; and

(III) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by 0.60.

(B) in paragraph (2), by striking "shall be retained" and inserting "subject to subparagraph (C) shall be collected and available"; and

(ii) in clause (ii),

(1) by striking "collected and" after "shall only be"; and

(II) by striking "fiscal year 2002" and inserting "fiscal year 2015"; and

(B) by adding the following:

(1) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act; and

(2) by amending paragraph (3) to read as follows:

(3) AUTHORIZATIONS OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this Act an amount equal to the total revenue amount specified under subsection (b)(3) for such fiscal year, as adjusted under subsection (c) and, for fiscal year 2017 only, as further adjusted under paragraph (4); and

(4) by striking "aggregate amount in" before "excess shall be credited"; and

(F) by striking "fiscal year 2012" and inserting "fiscal year 2017".

(G) CONFORMING AMENDMENT.—Section 515(c)(4)(A) (21 U.S.C. 366(a)(4)) is amended by inserting "738(g)" and inserting "738(h)".

(2) FEE WAIVER OR REDUCTION.—Section 738 (21 U.S.C. 379j) is amended by—

(1) in paragraph (1), by striking "2012" and inserting "2017"; and

(2) in paragraph (5), by striking "2012" and inserting "2017".

(2) PERFORMANCE REPORTS.—Section 738(a) (21 U.S.C. 379j–1(a)) is amended by—

(1) by striking paragraph (1) and inserting the following:

(1) IN GENERAL.—Beginning with fiscal year 2013, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committees on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, and to the House of Representatives annual reports concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Medical Device User Fee Amendments of 2012 during such fiscal year and the plans of the Food and Drug Administration for meeting the goals.

(2) PUBLICATION.—With regard to information to be reported by the Food and Drug Administration to industry on a quarterly and annual basis pursuant to the letters described in section 201(b) of the Medical Device User Fee Amendments Act of 2012 during such fiscal year and the plans of the Food and Drug Administration for meeting the goals, the Secretary shall include in each report under subparagraph (A) information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications and reports, supplements, and premarket notifications in the cohort; and

(3) CREDITING AND AVAILABILITY OF FEES.—Section 738b (21 U.S.C. 379j–1) is amended by—

(1) in clauses (i) and (ii), by striking "excess shall be credited"; and

(2) in paragraph (2), by striking "2008 through 2012" and inserting "2013 through 2017".

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379 et seq.), as in effect on the date of the enactment of this Act, shall continue to be in effect with respect to the submissions listed in section 738a(2)(A) of such Act (in effect as of such date) that on or after October 1, 2011, but not before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to accepting and any fee required by such part for a fiscal year before fiscal year 2013.

(2) EFFECTIVE DATE.—The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738a(2)(A) of such Act (in effect as of such date) that on or after October 1, 2012, regardless of the date of the enactment of this Act.
(Title II of Public Law 110–85) is repealed.

SEC. 738A (21 U.S.C. 739j–1) of the

House of Representatives, as set forth in the

Committee on Energy and Commerce of the

House of Representatives, as set forth in the

goals identified for pur-

will be dedicated to human generic drug activi-

ties, as set forth in the goals identified for pur-

"A" substance, or a mixture when the sub-

stance is unstable or cannot be transported on

its own, intended—

(ii) to be used as a component of a drug; and

(iii) to furnish pharmaceutical activity or

other direct effect in the diagnosis, cure, mitiga-

tion, treatment, or prevention of disease, or to

affirm that such appoint-

ment is necessary prior to administration to

a patient, such as oral suspensions or

ointments and drug master files.

"(C) leasing, maintenance, renovation, and

repair of facilities and acquisition, mainte-

nance, and other necessary materials and suppli-

es and drug master files referenced in such submissions.

"(B) The issuance of—

(i) approval letters which approve abbre-

viated new drug applications or supplements to

such applications; or

(ii) complete response letters which set forth in

detail the specific deficiencies in such submissions, and where appropriate, the

actions necessary to resolve those deficiencies; or

"(G) document that no deficiencies need to be

acknowledged.

"(F) Postmarket safety activities with respect to

drugs approved under abbreviated new drug applications or supplements, including the fol-

lowing activities:

"(iv) Implementing and enforcing section 506(c) (relating to postapproval studies and clinical

trials and labeling changes) and section 506(g) (relating to risk evaluation and mitiga-

tion strategies) insofar as these activities relate to

abbreviated new drug applications.

"(C) smoothly to the Secretary to approve a

change in the drug substance, drug product,

production process, quality controls, equipment,

or facilities covered by an approved abbreviated new drug application when that change has

a substantial potential to have an adverse effect on the identity, strength, quality, purity, or

potency of the drug product as these factors may relate to the safety or effectiveness of the drug product.

"(II) The term ‘resources allocated for human
generic drug activities’ means the expenses for-

lecturers and experts in the field of pharmacological research and drug development, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers and employees and to contracts with such contractors;

"(B) management of information, and the ac-
íquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and

repair of facilities and acquisition, mainte-
nance, and repair of fixtures, furniture, sci-

technology, and other necessary materials and suppli-
es; and

"(D) collecting fees under subsection (a) and

accounting for resources allocated for the review of abbreviated new drug applications and sup-

plements and inspection related to generic drugs.
The term ‘Type II active pharmaceutical ingredient drug master file’ means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

SEC. 744B. TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

(a) TYPES OF FEES.—Beginning in fiscal year 2012, the Secretary shall assess and collect fees in accordance with this section for the following:

(i) FEE DUE DATE.—(I) IN GENERAL.—Subject to clause (ii), a drug master file fee shall be due no later than the date on which the first generic drug submission for which that drug master file is referenced is submitted to the Secretary. In the case of a Type II active pharmaceutical ingredient drug master file, (II) terminates on the date under subparagraph (E); and

(ii) LIMITATION.—No fee shall be due under subparagraph (A) for a fiscal year until the later of—

(I) 30 calendar days after publication of the notice provided for in clause (i) of subparagraph (B), or

(II) 30 calendar days after the date of enactment of an appropriations Act providing for the collection and obligation of fees under this section.

(b) AMOUNT.—The amount of each one-time backlog fee shall be calculated by dividing $50,000,000 by the total number of abbreviated new drug applications pending on October 1, 2012, that have not received a tentative approval as of that date.

(c) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register the amount of the fee required by subparagraph (A).

(d) DUE DUE DATE.—The fee required by subparagraph (A) shall be due no later than 30 calendar days after the date of publication of the notice specified in subparagraph (C).

(e) NOTICE.—Not later than October 31, 2012, in a generic drug submission by any individual, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

(f) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(g) FEE DUE DATE.—(i) IN GENERAL.—Except as provided in clause (ii), the fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the associated new drug application or prior approval supplement for which such fees apply.

(ii) SPECIAL RULE FOR 2013.—For fiscal year 2013, such fees shall be due on the later of—

(I) the date on which the fee is due under clause (i); or

(II) 30 calendar days after publication of notice referred to in subparagraph (B); or

(iii) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of submission of the associated new drug application or prior approval supplement for which the fees under subparagraphs (A) and (F) apply, 30 calendar days after the date that such an appropriation Acts.

(h) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(i) FISCAL YEAR 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(j) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(2).

(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(k) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

(l) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

(m) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days after the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(n) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(2).

(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(o) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

(p) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

(q) FISCAL YEAR 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(r) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(2).

(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(s) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

(t) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

(u) FISCAL YEAR 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(v) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(2).

(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(w) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

(x) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

(y) FISCAL YEAR 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(z) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(2).

(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(aa) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

(bb) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

(cc) FISCAL YEAR 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

(dd) DUE DUE DATE.—(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(2).

(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.
(A) Fiscal Year 2013.—For fiscal year 2013, fees under subsection (a) shall be established to generate an estimated revenue amount under such subsection of $299,000,000. Of that amount—

(i) $350,000,000 shall be generated by the one-time backlog fee for drug applications completed and submitted to the appropriate designated document room of the Food and Drug Administration on or before October 1, 2012, established in subsection (a)(1); and

(ii) $249,000,000 shall be generated by the fees under paragraphs (2) through (4) of subsection (a).

(B) Fiscal Years 2014 Through 2017.—For each of the fiscal years 2014 through 2017, fees under subsection (a) shall be established to generate an estimated revenue amount under such subsection that is equal to $299,000,000, as adjusted pursuant to subparagraph (C).

(C) Types of Fees.—In establishing fees under paragraph (1) to generate the revenue amounts specified in paragraph (1)(A) for fiscal year 2014 through 2017, such fees shall be derived from the fees under paragraphs (2) through (4) of subsection (a) as follows—

(i) Six percent shall be derived from fees under subsection (a)(2) relating to drug master files.

(ii) Twenty-four percent shall be derived from fees under subsection (a)(3) relating to abbreviated new drug applications and supplements.

(iii) Fifty-six percent shall be derived from fees under subsection (a)(4)(A)(ii) relating to generic drug facilities.

(D) Fourteen percent shall be derived from fees under subsection (a)(4)(A)(ii) relating to active pharmaceutical ingredient facilities. The amount of the fee for a facility located outside the United States and its territories and possessions shall not be less than $15,000 and not more than $30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

(E) Inflation Adjustment.—For fiscal years 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary pursuant to the Federal Register, for a fiscal year, by an amount equal to the sum of—

(A) one.

(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years multiplied by the proportion of personnel compensation and benefits costs to the total costs of operating activities for the first 3 years of the preceding 4 fiscal years; and

(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington, Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 fiscal years.

(2) Final Year Adjustment.—For fiscal year 2017, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for a net operating surplus of operating reserves of carryover user fees for human generic drug activities for the first 3 months of fiscal year 2018. Such fees may only be used in fiscal year 2018 and is necessary, in the judgment of the Secretary, that the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary determines that the amount of such operating reserves is in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

(3) Annual Fee Setting.—

(A) Fiscal Year 2013.—For fiscal year 2013—

(i) the Secretary shall establish, by October 1, 2012, the one-time generic drug backlog fee for general backlog drilling on October 1, 2012, the drug master file fee, the abbreviated new drug application fee, and the prior approval supplement fee under subsection (a), based on the revenue amounts established under subsection (b); and

(ii) the Secretary shall establish, not later than 45 days after the date to comply with the requirement for identification of facilities in subsection (f)(2), the generic drug facility fee and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b).

(B) Fiscal Years 2014 Through 2017.—Not more than 60 days before the first day of each fiscal year, the Secretary shall establish the drug master file fee, the abbreviated new drug application fee, the prior approval supplement fee, the generic drug facility fee, and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b), and the adjustments provided for in paragraph (1) for the first 3 fiscal years of the preceding 4 fiscal years.

(4) Fee for Active Pharmaceutical Ingredient Fee.—In establishing fees under subsection (a)(2) relating to active pharmaceutical ingredient facilities, the amount of the fee for a facility located outside the United States and its territories and possessions shall not be less than $15,000 and not more than $30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

(5) Identification of Facilities.—

(A) Not later than October 1, 2012, the Secretary shall publish in the Federal Register the identity of each generic drug facility described in subsection (a)(4)(A), or a site or organization required to be identified by paragraph (4), to submit to the Secretary information concerning the ownership, name, and address of the site or organization. The notice required by this paragraph shall include the type of information to be submitted and the means and format for submission of such information.

(B) The Secretary may, in addition to identifying such a facility, identify any affiliate of that person, or any site or organization that owns or operates a site or organization described in paragraph (4), to submit to the Secretary information concerning the ownership, name, and address of the site or organization. The notice required by this paragraph shall be included for each such facility—

(i) a site in which a biosynthetic study is conducted;

(ii) a clinical research organization;

(iii) a contract analytical testing site; or

(iv) a contract packaging site.

(C) Notice.—The Secretary may, by notice published in the Federal Register, specify the means and format for submission of the information under subparagraph (A) and may specify, as necessary for purposes of this section, any additional information to be submitted.

(D) Inspection Authority.—The Secretary's inspection authority under section 704(a)(1) shall extend to all such sites and organizations.

(E) Effect of Failure to Pay Fees.—

(i) Failure to pay the fee under subsection (a)(1) shall result in the Secretary placing the person that owns or operates a site or organization that is described in subsection (a)(4)(A), or a site or organization described in subsection (a)(2)(D)(ii)(I), on a publicly available list, such that no new abbreviated new drug applications or supplement submissions on or after October 1, 2012, from that person, or any affiliate of that person, will be reviewed within the meaning of section 505(i)(5)(A)(a) until such outstanding fee is paid.

(ii) Drug Master File Fee.—

(A) Failure to pay the fee under subsection (a)(2) within 20 calendar days after the application due date under subparagraph (B) of such subsection (as described in subsection (a)(2)(D)(ii)(I)) shall result in the Type II active pharmaceutical ingredient drug master file not being deemed available to the public.

(B) Any generic drug submission submitted on or after October 1, 2012, that references, by
a letter of authorization, a Type II active pharmaceutical ingredient drug master file that has not been deemed available for reference shall not be received within the meaning of section 505(j)(5)(A).

(6) LIMITATIONS.—

(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2012 for obligations, including amounts from fees collected under subsection (a)(2)(E), that are paid and appropriated in such section.

(2) AUTHORITY.—The Secretary does not assess fees under subsection (a) during any portion of a fiscal year and if at a later date in such fiscal year the Secretary may assess such fees, without any modification in the rate, for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the year.

(7) CREDITING AND AVAILABILITY OF FEES.—

(1) IN GENERAL.—Fees authorized under subsection (a) shall be available for obligation only to the extent in and the amount provided in advance in appropriations Acts, subject to paragraph (2). Such fees are authorized to be credited to the specified account.

(2) COLLECTIONS AND APPROPRIATION ACTS.—

(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing data and information relating to the fee assessments that the Secretary has made for each fiscal year, including the amount of fees collected from all persons and types of persons, and the amount of fees paid by each person.

(b) REPORTS.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing data and information relating to the fee assessments that the Secretary has made for each fiscal year, including the amount of fees collected from all persons and types of persons, and the amount of fees paid by each person.

(c) RECOVERY.—The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing data and information relating to the fee assessments that the Secretary has made for each fiscal year, including the amount of fees collected from all persons and types of persons, and the amount of fees paid by each person.

(d) REPORTS.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing data and information relating to the fee assessments that the Secretary has made for each fiscal year, including the amount of fees collected from all persons and types of persons, and the amount of fees paid by each person.

(e) REPORT.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing data and information relating to the fee assessments that the Secretary has made for each fiscal year, including the amount of fees collected from all persons and types of persons, and the amount of fees paid by each person.

(f) REPORT.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing data and information relating to the fee assessments that the Secretary has made for each fiscal year, including the amount of fees collected from all persons and types of persons, and the amount of fees paid by each person.
“(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration, and the generic drug industry.

“(d) REAUTHORIZATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for human generic drug activities for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

“(1) the Committee on Energy and Commerce of the House of Representatives;

“(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(3) scientific and academic experts;

“(4) health care professionals;

“(5) representatives of patient and consumer advocacy groups; and

“(6) the generic drug industry.

“(e) PUBLIC INPUT.—Prior to beginning negotiations with the generic drug industry on the reauthorization of this part, the Secretary shall—

“(1) publish a notice in the Federal Register requesting public input on the reauthorization;

“(2) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

“(3) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

“(4) publish the comments on the Food and Drug Administration’s Internet Web site.

“(f) OBJECTIVES SPECIFIED.—Not less frequently than once every month during negotiations with the generic drug industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

“(g) COMPLETION OF RECOMMENDATIONS.—After negotiations with the generic drug industry, the Secretary shall—

“(1) present the recommendations developed under section (e) to the congressional committees specified in such paragraph;

“(2) publish such recommendations in the Federal Register;

“(3) provide for a period of 30 days for the public to provide written comments on such recommendations;

“(4) hold a meeting at which the public may present its views on such recommendations; and

“(5) after consideration of such public views and comments, revise such recommendations as necessary.

“(h) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

“(i) MINUTES OF NEGOTIATION MEETINGS.—

“(1) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraph (4) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted after this subsection between the Food and Drug Administration and the generic drug industry.

“(2) CONTEXT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.”.

SEC. 304. SUNSET DATES.

“(a) AUTHORIZATION.—Sections 744A and 744B of the Federal Food, Drug, and Cosmetic Act, as added by section 302 of this Act, shall cease to be effective October 1, 2017.

“(b) REPORTING REQUIREMENTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act, as added by section 303 of this Act, shall cease to be effective January 31, 2018.

“SEC. 305. EFFECTIVE DATE.

“The amendments made by this title shall take effect on October 1, 2017, for the date of the enactment of this title, whichever is later, except that fees under section 302 shall be assessed for all human generic drug submissions and Type II active pharmaceutical drug master files received on or after October 1, 2012, regardless of the date of enactment of this title.

“SEC. 306. AMENDMENT WITH RESPECT TO MISBRANDING.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

“(aa) If it is a drug, or an active pharmaceutical ingredient that was manufactured, prepared, compounded, or processed in a facility for which fees have not been paid as required by section 744A(a)(4) or for which identification information was not filed as required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, compounded, or processed in such a facility, the Secretary of Health and Human Services may impose a civil money penalty for each violation.

“(bb) activities described in this subsection are—

“(1) activities under this Act related to the process for the review of device applications, including postmarket safety activities, the review of biosimilar biological product applications, and the review of device applications under this Act;

“(2) activities under this Act related to human generic drug activities (as defined in section 744A); and

“(3) activities under this Act related to human drug activities (as defined in section 744A).

“(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are—

“(1) with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1); and

“(2) with respect to the activities under subsection (b)(2), the goals referred to in section 738A(a)(1).

“SEC. 308. ADDITIONAL REPORTING REQUIREMENTS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.), as amended by section 208, is further amended by adding at the end the following:

“SEC. 715. REPORTS.

“(a) GENERIC DRUGS.—Beginning with fiscal year 2013 and ending after fiscal year 2017, not later than 120 days after the end of each fiscal year, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a generic drug under section 505(f), amendments to such applications, and priority approval supplements with respect to such applications filed in the previous fiscal year, including the number of calendar days spent during the review of the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter, and the number of applications under section 505(f), amendments to such applications, and priority approval supplements with respect to such applications that were pending with the Secretary for more than 10 months on the date of enactment of the Food and Drug Administration Safety and Innovation Act; and

“(b) the number of applications described in paragraph (a) on which the Food and Drug Administration took final regulatory action in the previous fiscal year.”.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE.

“(a) SHORT TITLE.—This title may be cited as the “Biosimilar User Fee Act of 2012”.

“(b) FINDING.—The Congress finds that the fees authorized by the amendments made by this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, the review of biosimilar biological product applications, and the review of device applications under the Public Health Service Act.

“SEC. 402. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subchapter C of chapter VIII (21 U.S.C. 379f et seq.) is amended by inserting after part 7, as added by title III of this Act, the following:

“PART 8—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

“SEC. 746G. DEFINITIONS.

“For purposes of this part:

“(1) the term ‘adjustment factor’ applicable to a fiscal year that is the Consumer Price Index for All Urban Consumers, Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All Items’ of the preceding fiscal year, divided by such Index for September 2011.

“(2) the term ‘affordable means’ a business entity that has a relationship with a second business entity if, directly or indirectly—

“(A) one business entity controls, or has the power to control, the other business entity; or

“(B) a third party controls, or has power to control, both of the business entities.

“(3) the term ‘biosimilar biological product’ means a product for which a biosimilar biological product application has been approved.

“(4)(A) Subject to subparagraph (B), the term ‘biosimilar biological product application’ means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.

“(B) Such term does not include—

“(i) a supplement to such an application;

“(ii) an application filed under section 351(k) of the Public Health Service Act that cites as the reference product a biosimilar biological product approved before such date.

“(C) The application filed under section 351(k) of the Public Health Service Act with respect to—
“(i) whole blood or a blood component for transfusion;
“(ii) an allergenic extract product;
“(iii) an in vitro diagnostic biological product;
“(iv) a biological product for further manufacturing use only; or
“(v) an application for licensure under section 351(k) of the Public Health Service Act that is submitted by a State or Federal Government entity for a product that is not distributed commercially.

“(5) The term ‘biosimilar biological product development meeting’ means any meeting, other than a biosimilar initial advisory meeting, regarding the development of a development program, including a proposed design for, or data from, a study intended to support a biosimilar biological product application.

“(6) The term ‘biosimilar biological product development program’ means the program under this part for expediting the process for the review of submissions in connection with biosimilar biological product development.

“(7)(A) The term ‘biosimilar biological product establishment’ means a foreign or domestic place of business that—
“(i) is at one general physical location consisting of one or more buildings, all of which are within 5 miles of each other; and
“(ii) more biosimilar biological products are manufactured in final dosage form.

“(B) For purposes of subparagraph (A)(ii), the term ‘manufactured’ does not include packaging.

“(8) The term ‘biosimilar initial advisory meeting’—
“(A) means a meeting, if requested, that is limited to—
“(i) a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product; and
“(ii) any other content of the development program; and
“(B) does not include any meeting that involves substantive review of summary data or full study reports.

“(9) The term ‘costs of resources allocated for the process for the review of biosimilar biological product applications’ means the expenses in connection with the process for the review of biosimilar biological product applications for—
“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers employees and committees and to contracts with such contractors;
“(B) management of information, and the acquisition, maintenance, and repair of computer resources;
“(C) testing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and
“(D) collecting fees under section 744H and accounting for resources allocated for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(10) The term ‘final dosage form’ means, with respect to—
“(A) a biosimilar biological product, the finished dosage form which is approved for administration to a patient without substantial further manufacturing (such as lyophilized products before reconstitution).
“(B) a private holder of a ‘clinical hold’ under section 505(i)(3) has been determined by the Secretary to exist concerning the investigation.

“(12) The term ‘person’ includes an affiliate of such person.

“(13) The term ‘process for the review of biosimilar biological product applications’ means the following activities with respect to the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements:

“(A) The activities necessary for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

“(B) Actions related to submissions in connection with biosimilar biological product development, the submission of action letters which approve biosimilar biological product applications or which set forth in detail the specific deficiencies in such applications, and where appropriate, the actions necessary to place such applications in condition for approval.

“(C) The inspection of biosimilar biological product establishments and other facilities under section 505(j). Not later than 30 days after the review of pending biosimilar biological product applications and supplements.

“(D) Activities necessary for the release of lots of biosimilar biological product applications or supplements.

“(E) Monitoring of research conducted in connection with the review of biosimilar biological product applications and supplements.

“(F) Postmarket safety activities with respect to biologics approved under biosimilar biological product applications or supplements, including the following activities:

“(i) Collecting, developing, and reviewing safety information on biosimilar biological products, including adverse-event reports.

“(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

“(iii) Developing and using analytical tools to assess potential safety problems, including access to external data bases.

“(iv) Implementing and enforcing section 506C(a) (relating to postapproval studies and clinical trials and labeling changes) and section 506P (relating to risk evaluation and mitigation strategies).

“(v) Carrying out section 506G(5) (relating to adverse-event reports and postmarket safety activities).

“(G) The term ‘supplement’ means a request to bio- similar biological product applications or supplements.

“(14) The term ‘supplement’—
“(A) means a request for a biosimilar biological product application which has been approved, including a supplement requesting that the Secretary determine that the biosimilar biological product meets the standards for interchangeability described in section 351(k)(4)(D) of the Public Health Service Act.

“(B) ‘Annual Biosimilar Biological Product Development Fee’—
“(i) IN GENERAL.—Each person that submits to the Secretary a request for a biosimilar biological product development meeting shall pay the annual biosimilar biological product development fee established under subsection (b)(1)(B) for biosimilar biological product development (referred to in this section as ‘annual biosimilar biological product development fee’).

“(ii) DUE DATE.—The annual biosimilar biological product development program fee for each fiscal year shall be due on the later of—

“(I) the first business day on or after October 1 of each such year; or
“(II) the first business day after the enactment of an appropriation Act providing for the collection and obligation of fees for such year under this section.

“(iii) EXCEPTION.—The annual biosimilar biological product development program fee paid in any fiscal year will be due on the date specified in clause (i), unless the person has—

“(I) submitted a marketing application for the biosimilar biological product that was accepted for filing; or
“(II) discontinued participation in the biosimilar biological product development program for the product under subparagraph (C).

“(D) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product under this part by—
“(i) delivering a written notice to the Secretary no later than 60 days after the date of enactment of the Biosimilars User Fee Act of 2012;
“(ii) not later than 90 days after the date of enactment of the Biosimilars User Fee Act of 2012; or
“(iii) not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

“(B) ‘Annual Biosimilar Biological Product Development Fee’—
“(i) in general.—Each person that submits to the Secretary a request for a biosimilar biological product development meeting shall pay the annual biosimilar biological product development fee established under—

“(II) the first business day after the enactment of an appropriation Act providing for the collection and obligation of fees for such year under this section.

“(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product under this part by—
“(i) delivering a written notice to the Secretary no later than 90 days after the date of enactment of the Biosimilars User Fee Act of 2012; or
“(ii) not later than 90 days after the date of enactment of the Biosimilars User Fee Act of 2012.

“(B) ‘Annual Biosimilar Biological Product Development Fee’—
“(i) in general.—Each person that submits to the Secretary a request for a biosimilar biological product development meeting shall pay the annual biosimilar biological product development fee established under—

“(II) the first business day after the enactment of an appropriation Act providing for the collection and obligation of fees for such year under this section.

“(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product under this part by—
“(i) delivering a written notice to the Secretary no later than 90 days after the date of enactment of the Biosimilars User Fee Act of 2012; or
“(ii) not later than 90 days after the date of enactment of the Biosimilars User Fee Act of 2012.
product development program for a product under subparagraph (C) shall pay a fee (referred to in this section as ‘reactivation fee’) by the end of the following:

'(i) 45 days after the Secretary grants a request for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued);

'(ii) Upon the date of submission (after the date on which such participation was discontinued) of an investigational new drug application for purposes of an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product;

'(iii) No waiver, exception, or reduction.—The Secretary shall not grant a waiver, exception, or reduction of any initial or annual biosimilar biological product development fee as required under subparagraph (D), or a reactivation fee as required under subparagraph (D), or a reactivation fee for the product as required under subparagraph (D), unless the Secretary shall consider incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

'(iv) Fees for Applications Previously Filed Biosimilar Development Program Fees.—

'(A) No Refunds.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) (or (B), or a reactivation fee paid under subparagraph (D).

'(B) No Waivers, Exemptions, or Reductions.—The Secretary shall not grant a waiver, exception, or reduction of any initial or annual biosimilar biological product development fee due on or after October 1, 2012, unless the Secretary determines is intended to support a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval; minus

'(C) Annual Biosimilar Biological Product Establishment Fee.—

'(i) The fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to—

'(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

'(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

'(ii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to the amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

'(iii) For purposes of this subsection, the Secretary shall consider incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

'(iv) Application Fees.—The fee for an application or supplement which is refused for filing or withdrawn without a waiver before filing, or

'(v) Fees for Applications Previously Filed Biosimilar Development Program Fees.—

'(A) No Refunds.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) (or (B), or a reactivation fee paid under subparagraph (D).

'(B) No Waivers, Exemptions, or Reductions.—The Secretary shall not grant a waiver, exemption, or reduction of any initial or annual biosimilar biological product development fee due on or after October 1, 2012, unless the Secretary determines is intended to support a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval; minus

'(C) Annual Biosimilar Biological Product Establishment Fee.—

'(i) The fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to—

'(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

'(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

'(ii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to the amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

'(iii) For purposes of this subsection, the Secretary shall consider incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

'(iv) Application Fees.—The fee for an application or supplement which is refused for filing or withdrawn without a waiver before filing, and

'(v) Fees for Applications Previously Filed Biosimilar Development Program Fees.—

'(A) No Refunds.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) (or (B), or a reactivation fee paid under subparagraph (D).

'(B) No Waivers, Exemptions, or Reductions.—The Secretary shall not grant a waiver, exemption, or reduction of any initial or annual biosimilar biological product development fee due on or after October 1, 2012, unless the Secretary determines is intended to support a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval; minus

'(C) Annual Biosimilar Biological Product Establishment Fee.—

'(i) The fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to—

'(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

'(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

'(ii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to the amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

'(iii) For purposes of this subsection, the Secretary shall consider incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.
described in section 736(a)(1)(A)(i) for that fiscal year.

(3) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

(4) SIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—The biosimilar biological product application fee under subsection (a)(2) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

(5) SIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—The biosimilar biological product establishment fee established under subsection (a)(3) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug establishment for that fiscal year.

(6) BIOLOGICAL PRODUCT FEE.—The biosimilar biological product fee under subsection (a)(4) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug product for that fiscal year.

(7) LIMIT.—The total amount of fees charged for a fiscal year under this section may not exceed the total amount for such fiscal year of the costs of resources allocated for the process for the review of biosimilar biological product applications.

(8) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—

(a) WAIVER OF APPLICATION FEE.—The Secretary shall grant to a person who is named in a biosimilar biological product application a waiver from the application fee assessed against a person under subsection (a)(2)(A) for the first biosimilar biological product application that a small business or its affiliate submitted to the Secretary for review. After a small business or its affiliate requests a waiver, the Secretary shall—

(A) application fees for all subsequent biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business; and

(B) all supplement fees for all supplements to biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business.

(b) CONSIDERATIONS.—In determining whether to grant a waiver under paragraph (a), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.

(9) SMALL BUSINESS DEFINED.—In this subsection, the term ‘small business’ means an entity that has fewer than 500 employees, including employees of affiliates, and does not have a drug product that has been approved under a human drug application (as defined in section 735) or a biosimilar biological product application (as defined in section 744G(d)) and introduced and delivered for introduction into interstate commerce.

(10) EFFECT OF FAILURE TO PAY FEES.—A biosimilar biological product application or supplement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary with all fees owed by such person having been paid.

(11) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Subject to paragraph (2), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of biosimilar biological product applications.

(B) COLLECTIONS AND APPROPRIATION ACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) of section 736(b)(1) for each fiscal year, the Secretary shall collect and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year.

(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available for obligation for the fiscal year for which they are not to be used to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved.

(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013, for the salaries and expenses account of the Food and Drug Administration, the fees authorized by this section for fiscal year 2013 may be collected and shall be credited to such account and remain available until expended.

(D) PROVISIONS FOR PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

(E) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year from 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total amount of fees assessed for such fiscal year under this section.

(F) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to chapter II of title 21, United States Code.

(G) WRITTEN REQUESTS FOR WAIVERS AND REFUNDS.—To qualify for consideration for a waiver under subsection (c), or for a refund of any fee collected with respect to such subsection (a)(2)(A), a person shall submit to the Secretary a written request for such waiver or refund not later than 180 days after such fee is due.

(H) CONSTRUCTION.—This section may not be construed to create full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of biosimilar biological product applications, to be reduced to offset the number of officers, employees, and advisory committees so engaged.

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402, is further amended by inserting after section 744I the following:

"SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402, is further amended by inserting after section 744I the following:

"SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

(1) PERFORMANCE REPORT.—Beginning with fiscal year 2013, and each fiscal year thereafter, not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (1), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

(2) STUDY.—Not later than January 15, 2017, the Secretary shall make the reports required under subsection (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

(4) STUDY.—Not later than June 1, 2013, the Secretary shall publish, for public comment, interim results of the study described under paragraph (1).

(5) REPORT.—Not later than September 30, 2016, the Secretary shall publish, for public comment, the final results of the study described under paragraph (1).

(6) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall contract with an independent accounting or consulting firm to study the workload volume and fee revenues associated with the review of biosimilar biological product applications.

(B) FISCAL REPORT.—Not later than 120 days after the date of the study conducted under paragraph (6), the Secretary shall publish, for public comment, the fiscal results of the study described under paragraph (1).

(C) RESEARCH.—

(A) IN GENERAL.—The Secretary shall conduct a study of the impact of the enactment of the Biologics User Fee Act of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has made a complete response on all biosimilar biological product applications and supplements in the cohort.

(B) FISCAL REPORT.—Not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration, of the fees collected for such fiscal year.

(C) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

(7) STUDY.—Not later than January 15, 2017, the Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

CONGRESSIONAL RECORD — HOUSE

June 20, 2012

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...
SEC. 502. WRITTEN REQUESTS.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this title shall take effect on the later of—

(1) the date of the enactment of this title; or

(2) the date of the enactment of that title.

(b) EXCEPTION.—Fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as added by this title, shall only be granted for the completion of a study or studies under section 505B of that title for which reports are submitted and for which requests are not received and accepted in accordance with subsection (d).

SEC. 503. ACCESS TO DATA.

Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the "Secretary") shall—

(1) by striking subsection (a); and

(2) by striking subsection (c) and inserting the following:

"Not later than 3 years after the date of enactment of this Act, the Secretary shall make available to the public, including through posting on the Internet Web site of the Food and Drug Administration—"

SEC. 504. ACCESS TO DATA.

Not later than 3 years after the date of enactment of this Act, the Secretary shall make available to the public, including through posting on the Internet Web site of the Food and Drug Administration—

(1) the total number of deferrals and deferral extensions under paragraph (2) for a fiscal year; and

(2) the total number of deferrals and deferral extensions under paragraph (2) for a fiscal year, broken down into categories that include—

(A) the type of drug product; and

(B) the type of study.

SEC. 505. ENSURING THE COMPLETION OF PEDIA-
TRIC STUDIES.

(a) EXTENSION OF DEADLINE FOR DEFERRED STUDIES.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

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

"(B) DEFERRAL EXTENSION.—"

(ii) the timeline for completion of the assessments.

(ii) the number of assessments completed and pending.

(ii) the number of assessments completed and pending; and

(c) ACTION ON FAILURE TO COMPLETE STUDIES.

(1) ISSUANCE OF LETTER.—Subsection (d) of section 505B (21 U.S.C. 355c) is amended to read as follows:

"(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit a required assessment described in subsection (a) or (b), fails to meet the applicable requirements in subsection (a) or (b), or fails to submit a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b), the following shall apply:

(1) Beginning 270 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall begin the process of informing each person in noncompliance of such failure to submit or meet the requirements of the applicable subsection.
Such letter shall require the person to respond in writing within 45 calendar days of issuance of such letter. Such response may include the person's request for a deferral extension if applicable. Such letters and the person’s written response to such letter shall be made publicly available on the Internet Web site of the Food and Drug Administration 60 calendar days after issuance for any trade secrets and confidential commercial information. If the Secretary determines that the letter was issued in error, the requirements of this paragraph shall not be the basis for a proceeding—

(A) to withdraw approval for a drug under section 506(c); or

(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.

(2) TRACKING OF LETTERS ISSUED.—Subparagraph (D) of section 505B(f)(6) (21 U.S.C. 355c(f)(6)), as amended by subsection (b), is further amended by—

(A) in clause (ii), by striking “; and” and inserting a semicolon;

(B) in clause (iii), by adding “and” at the end; and

(C) by adding at the end the following:

“(iv) the number of postmarket non-compliance letters issued pursuant to subsection (d), and the recipients of such letters;”.

SEC. 506. PEDIATRIC STUDY PLANS.

(a) IN GENERAL.—Subsection (e) of section 505B (21 U.S.C. 355c) is amended to read as follows:

“Sec. 505B. PEDIATRIC STUDY PLANS.

(a) IN GENERAL.—Subsection (e) of section 505B (21 U.S.C. 355c) is amended—

(1) by adding at the end the following:

“(7) REQUIRED RULEMAKING.—Not later than five years after the date of enactment of this Act and every five years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report publicly available, including through posting on the Internet Web site of the Food and Drug Administration, a report on the implementation of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c).

(b) CONTENTS.—Each report under subsection (a) shall include—

(1) an assessment of the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act in improving information about pediatric uses for approved drugs and biological products, including the number and type of labeling changes made since the date of enactment of this Act and the importance of such uses in the improvement of the health of children; and

(2) the number of required studies under such section 505B that have not met the initial deadline provided under such section 505B, including—

(A) the number of deferrals and deferral extensions granted and the reasons such extensions were granted;

(B) the number of waivers and partial waivers granted; and

(C) the number of letters issued under subsection (d) of such section 505B.

(3) an assessment of the timeliness and effectiveness of pediatric study planning since the date of enactment of this Act, including the number of initial pediatric study plans, agreed initial pediatric study plans, and pediatric study plans as recorded by the Secretary since the date of enactment of this Act; and

(4) the number of written requests issued, accepted, and declined under such section 505A since the date of enactment of this Act, and a description of any important gap in pediatric information as a result of such declined requests;

(5) a description and current status of referrals made under subsection (n) of such section 505A; and

(6) an assessment of the effectiveness of studying biological products in pediatric populations.
under such sections 505A and 505B and section 409I of the Public Health Service Act (42 U.S.C. 284m); (f) in paragraph (1)—
(i) in the matter preceding subparagraph (A), by striking ‘‘have not been submitted’’ and inserting ‘‘have been submitted to the Office of Pediat-ric Health Service Act has not ended’’ after ‘‘expired’’; and
(ii) by striking ‘‘Prior to’’ and all that follows through the period at the end; and
(iii) in subparagraph (B), by striking ‘‘no listed
patented has or has 1 or more listed patents that
have expired,’’ and inserting ‘‘one unexpired listed
patents and for which no unexpired periods of
exclusivity eligible for extension under subsection
(b)(1) or (c)(1) of this section or under subsection
(m)(2) or (m)(3) of section 351 of the Public Health Service Act apply,’’; and
(c) in subsection (o)(2), by amending subpar-agraph (B) to read as follows:
‘‘(A) in the paragraph heading, by striking ‘‘(3) PRESERVATION OF AUTHORITY.—Nothing
in this subsection shall prohibit the Office of Pe-
diatric Therapeutics from invoking the con-duct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe; and
(B) the results of such efforts;
(6)(A) the number and importance of drugs and biologics tested as a result of the efforts to address the suggestions and options described in any prior report issued by the Comptroller General, Institute of Medicine, or the Secretary, and any subsequent reports, including recommenda-
tions therein, regarding the topics addressed in the reports under this section, including with respec-
to (A) improving public access to information from pediatric studies conducted under such sections 505A and 505B; and
(B) improving the timeliness of pediatric studies and pediatric study planning under such sections 505A and 505B.
(c) STAKEHOLDER COMMENT.—At least 180
days prior to the submission of each report under such sections 505A and 505B, the Secretary shall consult with representatives of patient groups (including pediatric patient groups), consumer groups, regulated industry, academia, and other inter-
ested parties to obtain any recommendations or information relevant to the report including suggestions for modifications that would improve pediatric drug research and increase pediatric labeling of drugs and biological products;
(10) an assessment of the successes of and lim-
litations to studying drugs for rare diseases under such sections 505A and 505B; and
(11) an assessment of the Secretary’s efforts to improve pediatric drug research and increase pediatric labeling of drugs and biological products.
SEC. 509. TECHNICAL AMENDMENTS.
(a) PEDIATRIC STUDIES OF DRUGS IN FFDCSA.—Section 505A (21 U.S.C. 355a) is amended—
(1) in subsection (k)(2), by striking ‘‘subsection
(f)(3)(F)’’ and inserting ‘‘subsection
(j)(5)(F)(iii)’’;
(2) in subsection (l)—
(A) in paragraph (1)—
(i) in the paragraph heading, by striking ‘‘YEAR ONE’’ and inserting ‘‘FIRST 18-MONTH PE-
RIOD’’; and
(ii) by striking ‘‘one-year’’ and inserting ‘‘18-
month’’;
(B) in paragraph (2)—
(i) in the paragraph heading, by striking ‘‘YEARS’’ and inserting ‘‘PERIODS’’; and
(ii) by striking ‘‘one-year period’’ and insert-
ing ‘‘18-month period’’;
(C) by redesignating paragraph (3) as para-
graph (4); and
(D) by inserting after paragraph (2) the fol-
lowing:
‘‘(3) PRESERVATION OF AUTHORITY.—Nothing
in this subsection shall prohibit the Office of Pe-
diatric Therapeutics from providing for the re-
view of adverse event reports by the Pediatric
Advisory Committee prior to the 18-month period
referred to in paragraph (1), if such review is
necessary to ensure safe use of a drug in a pedi-
tric population.’’;
(b) in paragraph (n)—
(A) in the subsection heading, by striking ‘‘COMPLETED’’ and inserting ‘‘SUBMITTED’’; and
(b) in paragraph (1)—
(i) in the matter preceding subparagraph (A), by striking ‘‘have not been completed’’ and insert-
ing ‘‘have not been submitted to the Office of
Pediatric Health Service Act has not ended’’ after ‘‘expired’’; and
(ii) by striking ‘‘Prior to’’ and all that follows through the period at the end; and
(iii) in subparagraph (B), by striking ‘‘no listed
patented has or has 1 or more listed patents that
have expired,’’ and inserting ‘‘one unexpired listed
patents and for which no unexpired periods of
exclusivity eligible for extension under subsection
(b)(1) or (c)(1) of this section or under subsection
(m)(2) or (m)(3) of section 351 of the Public Health Service Act apply,’’; and
(c) in subsection (o)(2), by amending subpar-
agraph (B) to read as follows:
‘‘(A) in the paragraph heading, by striking
‘‘COMPLETED’’ and inserting ‘‘SUBMITTED’’;
’’; and
(b) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by striking ‘‘have not been completed’’ and insert-
ing ‘‘have not been submitted to the Office of
Pediatric Health Service Act has not ended’’ after ‘‘expired’’; and
(B) by striking ‘‘Prior to’’ and all that follows through the period at the end; and
(C) by inserting after paragraph (2) the fol-
lowing:
‘‘(3) PRESERVATION OF AUTHORITY.—Nothing
in this subsection shall prohibit the Office of Pe-
diatric Therapeutics from providing for the re-
view of adverse event reports by the Pediatric
Advisory Committee prior to the 18-month period
referred to in paragraph (1), if such review is
necessary to ensure safe use of a drug in a pedi-
tric population.’’;
SEC. 510. PEDIATRIC RARE DISEASES.
(a) PUBLICATION.—Not later than 18 months
after the date of enactment of this Act, the Secretary shall hold at least one public
meeting to discuss ways to encourage and accelerate the development of new therapies for pediatric rare diseases.

(b) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit a report that includes a strategic plan for encouraging and accelerating the development of new therapies for treating pediatric rare diseases.

SEC. 511. STAFF OF OFFICE OF PEDIATRIC THERAPEUTICS.

Section 6 of the Best Pharmaceuticals for Children Act (21 U.S.C. 352a) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “and” at the end of such paragraph and inserting “or” in lieu thereof;

(B) by redesignating paragraph (2) as paragraph (4); and

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

“(2) subject to subsection (d), one or more additional individuals with expertise in pediatric care shall be added to the staff described in subsection (a)(1). Such review may be conducted at the next supervisory level or higher of an individual who made the significant decision.

(2) PROVISION OF DOCUMENTATION.—Upon request, the Secretary shall furnish such documentation to the person to whom it is requested, or who has submitted, such report or application.

(3) REVIEW OF SIGNIFICANT DECISIONS.—

(a) REQUEST FOR SUPERVISORY REVIEW OF SIGNIFICANT DECISION.—At any time following a supervisory review of the significant decision described in subsection (a)(1), such review may be conducted at the next supervisory level or higher of an individual who made the significant decision.

(b) SUBMISSION OF REQUEST.—A person requesting a supervisory review under paragraph (1) shall submit such request to the Secretary not later than 30 days after such decision and shall indicate in the request whether such person seeks an in-person meeting or a teleconference review.

(4) TIMEFRAME.—

(A) In general.—Except as provided in subparagraph (B), the Secretary shall schedule an in-person or teleconference review, if so requested, not later than 30 days after such request is made. The Secretary shall issue a decision to the person requesting a review under this subsection not later than 45 days after the request is made under paragraph (1), or, in the case of a person who requests an in-person meeting or teleconference review within 20 days after such meeting or teleconference.

(B) Exception.—Subparagraph (A) shall not apply in cases in which the Secretary determines that such action is not in the public interest.

SEC. 602. CLARIFICATION OF LEAST BURDEN STANDARD.

(a) PREMARKET APPROVAL.—Section 513(a)(3)(D) (21 U.S.C. 360c(a)(3)(D)) is amended—

(1) in paragraph (1), by striking “or effectiveness before” data obtained; and

(2) in paragraph (4), by adding at the end the following:

“(C) Consistent with paragraph (1), the Secretary shall not approve an application under this subsection because the Secretary determines that:

(i) the investigation may not meet a requirement to support clearance of a device or approval of the device.

(ii) in the investigation, the term necessary means the minimum required information for the public meeting under subsection (a), as determined by the Secretary that an application provides reasonable assurance of the effectiveness of the device.

(iii) Nothing in this subparagraph shall alter the standard for determining substantial equivalence between a new device and a predicate device.

(b) PREMARKET NOTIFICATION UNDER SECTION 510(k).—Section 513(a)(1)(D) (21 U.S.C. 360c(a)(1)(D)) is amended—

(1) by striking “(D) Whenever” and inserting “(D) When”;

(2) by adding at the end the following:

“(D) For purposes of clause (i), the term ‘necessary’ means the minimum required information that supports a determination by the Secretary that an application provides reasonable assurance of the safety and effectiveness of a premarket approval of a device

(1) striking “(n) The Secretary” and inserting “(n)(1) The Secretary;

(2) by adding at the end the following:

“(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report by the Secretary on the results of the Secretary’s actions under section 510(k) for a Change to an Existing Device”, dated January 10, 1997, shall be in effect until the subsequent issuance of guidance or promulgation, if any, of a regulatory action under the subparagraph (B), and the Secretary shall interpret such guidance in a manner that is consistent with the manner in which the Secretary has interpreted such guidance since 1997- .

SEC. 603. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

Chapter V is amended by inserting after section 518 (21 U.S.C. 360b) the following:

“SEC. 518A. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

(a) In General.—The Secretary shall—

(1) establish a program to routinely and systematically assess information relating to device recalls and use such information to proactively identify strategies for mitigating health risks presented by defective or unsafe devices;

(2) clarify procedures for conducting device recall audit checks to improve the ability of investigators to perform those checks in a consistent manner;

(3) develop detailed criteria for assessing whether a person performing a device recall has performed an effective correction or action plan for the recall; and

(4) document the basis for each termination by the Food and Drug Administration of a device recall.

(b) Assessment Content.—The program established under subsection (a)(1) shall, at a minimum, identify—

(1) trends in the number and types of device recalls;

(2) devices that are most frequently the subject of a recall; and

(3) underlying causes of device recalls.

(c) Termination of recalls.—The Secretary shall document the basis for the termination of device recalls.

(d) Definition.—In this section, the term ‘recall’ means—

(1) the removal of a device from the market of a device pursuant to an order of the Secretary under section 510(k) or section 510(i) (21 U.S.C. 360(i)); and

(2) the correction or removal from the market of a device by a manufacturer or importer of the device that is required to be reported to the Secretary under section 510(g).”.

SEC. 606. CLINICAL HOLDINGS ON INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360g) is amended by adding at the end the following:
“(8)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a ‘clinical hold’) if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is a determination that—

(i) the device involved represents an unreasonable risk to health; or

(ii) within 30 days after receipt of such request. Any writing and specifying the reasons therefor, ical hold be removed shall receive a decision, in

(2) in subparagraph (B)(i), as so designated by paragraph (1), by striking “under the criteria set forth” and inserting “such determination in writing.”

(3) by adding at the end of the paragraph (A), and inserting a period; (ii) the public health benefit of the use of the device, and the nature and, if known, incidence of the risk of the device; (III) the public health benefit of the use of the device, and the nature and, if known, incidence of the risk of the device; (III) in the case of a reclassification from class II to class III, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are not sufficient to provide a reasonable assurance of safety and effectiveness for such device; and (III) in the case of reclassification from class II to class III, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are not sufficient to provide a reasonable assurance of safety and effectiveness for such device.

(ii) an order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

(iii) the Secretary shall provide reasonable assurance of safety and effectiveness for such device.

(iii) the Secretary shall provide reasonable assurance of safety and effectiveness for such device.

(iv) by inserting “by administrative order following publica-

(A) in GENERAL.—Section 513(f)(2) (21 U.S.C. 360c(f)(2)) is amended to read as follows:

(1) in subparagraph (A), by striking “, or” at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting “;”;

and

(i) the Secretary shall issue a clinical hold for such other reasons as the Secretary may by regulation establish.

(ii) Upon receipt of a request from the Secretary under subparagraph (A), the Secretary may, upon the initiative of the Secretary or upon petition of an interested person, change the classification of such device, and revoke, on account of the change in classification, any requirement in effect under section 514 or 515 with respect to such device, by administrative order published in the Federal Register following publication of a proposed reclassification order in the Federal Register, a meeting of a device classification panel described in subsection (b), and consideration of and effectiveness for such device.

(iii) in the case of a proposal regarding a device described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code; and

(bb) by adding at the end the following: “Authority to issue such administrative order shall not be delegated below the Director of the Center for Devices and Radiological Health, acting in consultation with the Commissioner.”;

((iv) by striking paragraph (4);

(iii) DEVICES RECLASSIFIED PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—

(A) Section 513(e)(2) (21 U.S.C. 360(e)(2)) is amended—

(i) in paragraph (1), by striking “regulation promulgated with respect to the classifica-

(ii) in paragraph (2),—

(bb) by redesigning clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(iv) by striking “regulation” and inserting “order”;

(3) DEVICES RECLASSIFIED PRIOR TO THE DATE OF ENACTMENT OF THIS ACT

(A) in GENERAL.—The amendments made by this subsection shall have no effect on a regula-

(B) by striking “classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwith-

(iv) by striking paragraph (4);

(3) in paragraph (1)—

(i) in the heading, by striking “Regulation” and inserting “Order”;

and

(ii) in the matter following subparagraph (B) under subparagraph (a)(1)(B) together are sufficient to provide a reasonable assurance of safety and effectiveness for such device.

(i) the public health benefit of the use of the device, and the nature and, if known, incidence of the risk of the device; (II) in the case of a reclassification from class II to class III, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are sufficient to provide a reasonable assurance of safety and effectiveness for such device.

(ii) an order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

(iii) the Secretary shall provide reasonable assurance of safety and effectiveness for such device.

(iv) by inserting “by administrative order following publica-

(i) the Secretary shall provide reasonable assurance of safety and effectiveness for such device.

(ii) an order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

(iii) the Secretary shall provide reasonable assurance of safety and effectiveness for such device.

(iii) by striking paragraph (4);

(3) DEV...
section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code; (II) in subparagraph (B), by striking “final regulation has been promulgated under section 515(b) and inserting “administrative order has been promulgated under section 515(b) or for such device, a regulation has been promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act”;) (III) in the matter following subparagraph (B), by striking “regulation requires” and inserting “administrative order issued under this paragraph requires”; and (IV) by striking the third and fourth sentences; and (ii) in paragraph (3), (I) by striking “regulation requiring” each place such term appears and inserting “order requiring”; and (II) by striking “promulgate of a section 515(b) regulation” and inserting “issuance of an administrative order under subsection (b)”.

(b) TECHNICAL AND CONFORMING AMENDMENTS. Section 501(f) (21 U.S.C. 351(f)) is amended—

(A) in subparagraph (1)(A)—

(i) by striking “a regulation promulgated” and inserting “an order issued”; and

(ii) in subparagraph (ii), by striking “promulgation of such regulation” and inserting “issuance of such order”;

(B) in subparagraph (2)(B)—

(i) by striking “a regulation promulgated” and inserting “an order issued”; and

(ii) by striking “promulgation of such regulation” and inserting “issuance of such order”; and

(C) by adding at the end the following:

“(3) In the case of a device with respect to which a regulation has been promulgated under section 515(b) prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act, a reference in this subsection to an order issued under section 515(b) shall be deemed to include such regulation.”.

(b) APPROVAL BY REGULATION PRIOR TO THE DATE OF ENACTMENT OF THIS ACT. The amendments made by this subsection shall have no effect on a regulation that was promulgated prior to the date of enactment of this Act requiring that a device have an approval under section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) of an application for premarket approval.

(c) REPORTING. The Secretary of Health and Human Services shall annually post on the Internet Web site of the Food and Drug Administration—

(1) the number and type of class I and class II devices reclassified as class II or class III in the previous calendar year under section 513(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)(1));

(2) the number and type of class II and class III devices reclassified as class I or class II in the previous calendar year under section 513(e)(1); and

(3) the number and type of devices reclassified in the previous calendar year under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

SEC. 609. HARMONIZATION OF DEVICE PRE-MARKET REVIEW, INSPECTION, AND LABELING SYMBOLS.

Paragraph (4) of section 803(c) (21 U.S.C. 363(c)) (as amended by section 154 of the Food, Drug, and Cosmetic Act (21 U.S.C. 360e)) is amended to read as follows:

“(4) With respect to devices, the Secretary may, when appropriate, enter into arrangements with nations regarding methods and approaches to harmonizing regulatory requirements for activities, including inspections and common international labeling symbols.”.

SEC. 610. PARTICIPATION IN INTERNATIONAL FORA.

Paragraph (3) of section 803(c) (21 U.S.C. 363(c)) is amended—

(1) by striking “(3)” and inserting “(3)(A)”;

(2) by adding at the end the following:

“(B) In carrying out subparagraph (A), the Secretary may participate in appropriate fora, including the International Medical Device Regulators Forum, and may—

(i) provide guidance to such fora on strategies, policies, directions, membership, and other activities of a forum as appropriate;

(ii) to the extent appropriate, solicit, review, and consider input from industry, academia, health care professionals, and patient groups regarding the activities of such fora; and

(iii) to the extent appropriate, inform the public of the Secretary’s activities within such fora, and share with the public any documentation relating to a forum’s strategies, policies, and other activities of such fora.”.

SEC. 611. REAUTHORIZATION OF THIRD-PARTY REVIEW.

(a) PERIODIC REACCREDITATION. Section 523(b)(2) (21 U.S.C. 360m(b)(2)) is amended by adding at the end the following:

“(B) PERIODIC REACCREDITATION.—

(i) PERIOD.—Subject to suspension or withdrawal under subparagraph (B), any accreditation under this section shall be valid for a period of 3 years after its issuance.

(ii) RESPONSE TO REACCREDITATION REQUEST.—Upon the submission of a request by an accredited person for reaccreditation under this section, the Secretary shall approve or deny such request not later than 60 days after receipt of the request.

(iii) CRITERIA.—Not later than 120 days after the date of the enactment of this paragraph, the Secretary shall establish and publish in the Federal Register criteria to reaccredit or deny reaccreditation under this section. The reaccreditation of persons under this section shall specify the particular activities under subsection (a), and the devices, for which such persons are reaccredited.

(b) DURATION OF AUTHORITY. Section 523(c) (21 U.S.C. 360m(c)) is amended by striking “October 1, 2012” and inserting “October 1, 2017”.

SEC. 612. REAUTHORIZATION OF THIRD-PARTY INSPECTION.

Section 704(o)(11) (21 U.S.C. 374(g)(11)) is amended by striking “October 1, 2012” and inserting “October 1, 2017”.

SEC. 613. HUMANITARIAN DEVICE EXEMPTIONS.

(a) IN GENERAL. Section 520(m) (21 U.S.C. 360m) is amended—

(1) in paragraph (6)—

(A) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

“(i) The device with respect to which the exemption is granted—

(II) is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device has been labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or

(III) is intended for the treatment or diagnosis of a disease or condition that does not occur in pediatric patients or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe; and

(ii) by striking clause (i) and inserting the following:

“(ii) During any calendar year, the number of such devices described in paragraph (1) with respect to devices, for which such exemption has been granted under this subsection shall have no effect on the annual distribution number for such device. In this paragraph, the term ‘an exempted device’ means the number of such devices reasonably needed to treat, diagnose, or cure a population of 4,000 individuals in the United States. The Secretary shall determine the annual distribution number when the Secretary grants such exemption.”; and

(b) by amending subparagraph (C) to read as follows:

“(C) A person may petition the Secretary to modify the annual distribution number determined by the Secretary under subparagraph (A) or (B) in order to expand the system as determined by the Secretary to manage additional information arising, and the Secretary may modify such annual distribution number.”;

(2) in paragraph (7), by striking “a device” and inserting “regarding a device described in paragraph (6)(A)(ii)”;

(3) in paragraph (8), by striking “all devices described in paragraph (6)(A)(ii)”.

(b) APPLICABILITY TO EXISTING DEVICES.—A sponsor of a device for which an exemption was approved under paragraph (2) of section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m)(b) before the date of enactment of this Act may, at a determination under subclause (I) or (II) of section 520(m)(6)(A)(iv) (as amended by subsection (a)). If the Secretary of Health and Human Services determines that such subclause (I) or (II) applies with respect to devices, clauses (ii), (iii), and (iv) of subparagraph (A) and subparagraphs (B), (C), (D), and (E) of paragraph (6) of such section shall apply to such device, and the Secretary shall determine the annual distribution number for purposes of clause (ii) or such subparagraph (A) when making the determination under this subclause (I) or (II) applicable to such device.

SEC. 614. UNIQUE DEVICE IDENTIFIER.

Section 519(f) (21 U.S.C. 360j(f)) is amended—

(1) by striking “The Secretary shall promulgate” and inserting “Not later than December 24, 2012, the Secretary shall issue proposed”; and

(2) by adding at the end the following: “The Secretary shall finalize the proposed regulations not later than 6 months after the close of the comment period and shall implement the final regulations with respect to devices that are implantable, life-saving, and life sustaining not later than 2 years after the regulations are finalized, taking into account patient access to medical devices and therapies.”.

SEC. 615. SENTINEL.

(a) IN GENERAL. Section 519(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

“(A) INCLUSION OF DEVICES IN THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—

(1) IN GENERAL.—

“(A) APPLICATION TO DEVICES.—The Secretary shall amend the procedures established and maintained under clauses (ii), (iii), and (iv) of section 505(k)(3)(C) in order to expand the postmarket risk identification and analysis system established under such section to include and apply to devices.

(B) EXCEPTION.—Subclause (II) of clause (i) of section 505(k)(3)(C) shall not apply to devices.

(C) CLARIFICATION.—With respect to devices, the private sector health data and electronic data provided under section 505(k)(3)(C)(ii)(bb) may include medical device utilization data, health insurance claims data, and procedure and device registries.

(D) DATA.—In expanding the system as described in paragraph (1)(A), the Secretary shall use relevant data with respect to devices cleared under section 510(k) or approved under section 515, including claims data, patient survey data, and any other data deemed appropriate by the Secretary.

(E) STAKEHOLDER INPUT.—To help ensure effective implementation of the system as described in paragraph (1) with respect to devices, the Secretary shall engage outside stakeholders throughout the development of the system and receive information from outside stakeholders regarding the content of an effective sentinel program,
through a public hearing, advisory committee meeting, maintenance of a public docket, or other similar public measures.

(4) VOLUNTARY SURVEYS.—Chapter 35 of title 44, United States Code, shall not apply to the collection of voluntary information from health care providers, such as voluntary surveys or questionnaires, initiated by the Secretary for purposes of risk identification, mitigation, and analysis for devices.

SEC. 616. POSTMARKET SURVEILLANCE. Section 522 (21 U.S.C. 360i) is amended—

(1) in subsection (a)(1)(A), in the matter preceding clause (i), by inserting ‘‘, at the time of approval or clearance of a device or at any time thereafter, after ‘by order’; and

(2) by adding at the end the following:

‘‘(b) WORKING GROUP.—

‘‘(1) IN GENERAL.—In carrying out subsection (a), the Secretary may convene a working group of external stakeholders and experts to provide appropriate input on the strategy and recommendations required for the report under subsection (a).

‘‘(2) REPRESENTATIVES.—If the Secretary convenes the working group under paragraph (1), the Secretary, in consultation with the Commissioner of Food and Drugs, the Chair of the Federal Communications Commission, and the Chair of the Federal Communications Commission, shall determine the number of representatives of each of the above-referenced stakeholders in the working group, and shall, to the extent practicable, ensure that the working group is geographically diverse and includes representatives of patients, consumers, health care practitioners, health plans or other third-party payers, venture capital investors, information technology vendors, health information technology vendors, small businesses, purchasers, employers, and other stakeholders with relevant expertise, as determined by the Secretary.

SEC. 619. GOOD GUIDANCE PRACTICES RELATING TO MENTAL HEALTH AND HUMAN SERVICES. Subparagraph (c) of section 701(h)(1) (21 U.S.C. 371(h)(1)) is amended—

(1) by striking ‘‘(C) for guidance documents;’’ and

(2) by adding at the end the following:

‘‘(ii) With respect to devices, if a notice to industry advisory letter, a notice to industry advisory letter, or any similar notice sets forth initial interpretations of a regulation or policy or sets forth changes in interpretation or policy, such notice shall also be a guidance document for purposes of this subparagraph.’’.

SEC. 620. PEDIATRIC DEVICE CONSORTIA. (a) IN GENERAL.—Section 305(e) of Pediatric Medical Device Safety Act (Public Law 110–85; 42 U.S.C. 282 note) is amended by striking ‘‘$6,000,000 for each of fiscal years 2008 through 2012’’ and inserting ‘‘$5,250,000 for each of fiscal years 2013 through 2017’’.

(b) FINAL RULE RELATING TO TRACKING OF PEDiATRIC USES OF DEVICES.—The Secretary of Health and Human Services shall—

(1) a proposed rule implementing section 515A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(a)(2)) not later than December 31, 2010;

(2) a final rule implementing such section not later than December 31, 2012.

TITLE VII—DRUG SUPPLY CHAIN

SEC. 701. REGISTRATION OF DOMESTIC DRUG ESTABLISHMENTS. Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ‘‘On or before’’ and all that follows through the period at the end and inserting the following: ‘‘During the period beginning on October 1 and ending on December 31 of each year.’’; and

(2) by adding at the end the following:

‘‘(A) The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1). The requirement to include a unique facility identifier in a registration under paragraph (1) shall not apply until the date that the system is specified by the Secretary under the preceding sentence.’’;

and

(2) in subsection (c), by striking ‘‘with the Secretary his name, place of business, and such establishment’’ and inserting ‘‘with the Secretary—

‘‘(1) with respect to drugs, the information described under subsection (b)(1); and

‘‘(2) with respect to devices, the information described under subsection (b)(2).’’.

SEC. 702. REGISTRATION OF FOREIGN ESTABLISHMENTS. (a) ENFORCEMENT OF REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 302(o) (21 U.S.C. 352(o)) is amended by striking ‘‘in any State’’.

(b) REGISTRATION OF FOREIGN DRUG ESTABLISHMENTS.—Section 510(i) (U.S.C. 360(i)) is amended—

(1) in paragraph (1)—

(A) by amending the matter preceding paragraph (A) to read as follows: ‘‘A person who owns or operates any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a device or drug that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—’’;

(B) by amending subparagraph (A) to read as follows:

‘‘(A) upon first engaging in any such activity, immediately submit a registration to the Secretary that includes—

‘‘(i) with respect to drugs, the name and place of business of such person, all such establishments, the unique facility identifier of each such establishment, a point of contact e-mail address, the name of the United States agent of each such establishment, the name of each importer of drug in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug to the United States for purposes of importation; and

‘‘(ii) with respect to devices, the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each person who imports or offers for import such device to the United States for purposes of importation; and

(C) by amending subparagraph (B) to read as follows:

‘‘(B) each establishment subject to the requirements of subparagraph (A) shall thereafter register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.’’;

and

(2) a final rule implementing such section not later than December 31, 2013.

SEC. 703. IDENTIFICATION OF DRUG EXCIPIENT INFORMATION PRODUCT LISTING. Section 510(j) (21 U.S.C. 360(j)) is amended—

(1) in paragraph (1), by striking ‘‘(A) in subparagraph (C), by striking ‘‘;’’ and inserting a semicolon;
Section 704. Electronic System for Registration and Listing.
Section 519(b) (21 U.S.C. 360(p)) is amended—

(a) IN GENERAL.—The Secretary shall ensure the accuracy and coordination of relevant Food and Drug Administration databases in order to identify and inform risk-based inspections under section 516(h).

(b) BIENNIAL INSPECTIONS FOR DEVICES.—Beginning in 2014, not later than February of each year, the Secretary shall—

(1) by striking ''(p) Registrations and listings'' and inserting the following:

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(p) ELECTRONIC REGISTRATION AND LISTING.—

(1) by striking ''(p) Registrations and listings'' and

(2) in paragraph (1), by inserting '', drug,'' after ''uncovered establishment'' each place it appears.

(b) IN GENERAL.—The sixth sentence of section 501(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(j)) is amended to read as follows:

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In determining the health and safety risks associated with an article that is a drug or is intended for use with a drug, the Secretary shall consider the following factors: (A) the compliance history of the establishment; (B) the record, history, and nature of recalls linked to the establishment; (C) the inherent risk of the drug manufactured, prepared, compounded, or processed at the establishment; (D) the inspection frequency and history of the establishment; and (E) whether the establishment has been inspected by a foreign government recognized under section 808.
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(c) RECORDS.—In promulgating a regulation implementing the amendments made by this section, the Secretary of Health and Human Services shall issue guidance that defines the circumstances that would constitute delaying, denying, or limiting inspections, or refusing to permit entry or inspection, under section 801 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

Section 708. Destruction of Adulterated, Misbranded, or Counterfeit Drugs Offered for Import.

(a) IN GENERAL.—The sixth sentence of section 801(a) (21 U.S.C. 351(a)) is amended by inserting ''or drug'' after ''narcotic'' each place it appears.

(b) RETURNS.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act and apply to drugs manufactured, processed, packed, or held in any State, that is engaged in the manufacture, processing, propagation, compounding, or processing in any State, that is engaged in the manufacture, processing, propagation, compounding, or processing of a drug or drugs (referred to in this subsection as 'drug establishments') in accordance with a risk-based schedule established by the Secretary.
(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations in accordance with section 304(i) of the Food, Drug, and Cosmetic Act, as added by paragraph (2) of this subsection, to implement administrative detention authority with respect to drugs, as authorized by the Secretary, if the Secretary determines that promulgating such regulations, the Secretary shall consult with stakeholders, including manufacturers of drugs.

(2) Regulations promulgated under section 304 (21 U.S.C. 334) are amended by adding at the end the following: 

"(1) PROCEDURES FOR PROMULGATING REGULATIONS.—

"(D) any other provisions of law under which such information after the date specified in such subsection shall not apply with respect to the voluntary disclosure of such information for a period of more than 30 days before the regulation's effective date.

"(2) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (1) ."

(c) EFFECTIVE DATE.—The amendments made by this section shall not take effect until the Secretary has issued a final regulation under subsection (b).

SEC. 710. INFORMATION DISCLOSED TO FOREIGN GOVERNMENTS.

(a) INSPECTION.—The Secretary—

"(1) may enter into arrangements and agreements with a foreign government or an agency of a foreign government for the purposes of information exchange.

"(2) may enter into arrangements and agreements with a foreign government or an agency of a foreign government for the purposes of information exchange.

"(3) may enter into arrangements and agreements with a foreign government or an agency of a foreign government for the purposes of information exchange.

"(4) may enter into arrangements and agreements with a foreign government or an agency of a foreign government for the purposes of information exchange.

"(b) RESULTS OF INSPECTION.—The results of inspections performed by a foreign government or an agency of a foreign government under this section may be used as—

"(1) evidence of compliance with section 506(c)(2)(B) or section 506(i); and

"(2) for any other purposes as determined appropriate by the Secretary.

SEC. 711. STANDARDS FOR ADMISSION OF IMPORTED DRUGS.

Section 301 (21 U.S.C. 331) is amended—

"(1) subsection (a), by striking "drug or"; and

"(2) by adding at the end the following:

"(r) The Secretary may require, pursuant to the regulations promulgated under paragraph (4), the condition of admission to a drug imported or offered for import into the United States, that the importer electronically submit information demonstrating that the drug complies with applicable requirements of this Act.

"(2) The information described under paragraph (1) may include—

"(A) information concerning the regulatory status of the drug, such as the new drug application, abbreviated new drug application, or investigational new drug or drug master file number;

"(B) facility information, such as proof of registration and the unique facility identifier;

"(C) indication of compliance with current good manufacturing practice, testing results, certifications relating to satisfactory inspections, and compliance with the country of export regulations; and

"(D) any other information deemed necessary and appropriate by the Secretary to assess compliance of the article being offered for import.

"(3) Information requirements referred to in paragraph (2)(C) may, at the discretion of the Secretary, be satisfied—

"(1) through representation by a foreign government, if an inspection is conducted by a foreign government using standards and practices as determined appropriate by the Secretary;

"(2) through representation by a foreign government or an agency of a foreign government recognized under section 809; or

"(3) other appropriate documentation or evidence as described by the Secretary.

"(4) Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this subsection. Such requirements shall be appropriate for the type of import, such as drugs made in the United States for use in preclinical research or in a clinical investigation under an investigational new drug exemption under section 505(i).

"(b) In promulgating the regulations under paragraph (A), the Secretary—

"(1) may, as appropriate, take into account differences among importers and types of imports, and, based on the extent to which the type of drug, as determined by the imported drug, provide for expedited clearances for those importers that volunteer to participate in partnership programs for highly compliant companies and pass a review of internal controls, including sourcing of foreign manufacturing inputs, and plant inspections; and

"(2) shall—

"(i) issue a notice of proposed rulemaking that includes the proposed regulation;
"(D) provide a period of not less than 60 days for comments on the proposed regulation; and

"(III) publish the final regulation not less than 30 days before the effective date of the regulation.

(C) Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this subsection only as described in subparagraph (B).

SECTION 714. REGISTRATION OF COMMERCIAL IMPORTERS.

(a) PROHIBITIOPN.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(aa) The failure to register in accordance with section 801(s) ;

(b) Section 801 (21 U.S.C. 381), as amended by section 713 of this Act, is further amended by adding at the end the following:

"(e) REGISTRATION OF COMMERCIAL IMPORTERS.—

"(1) REGISTRATION.—The Secretary shall require a commercial importer of drugs—

"(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

"(B) subject to paragraph (4), to submit, at the time of registration, a unique identifier for the principal place of business for which the importer is required to register under this subsection.

"(2) REGULATIONS.—

"(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported drugs are in compliance with the requirements of this Act and the Public Health Service Act.

"(B) PROCEDURE.—In promulgating a regulation under subparagraph (A), the Secretary shall—

"(i) issue a notice of proposed rulemaking that includes the proposed regulation;

"(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

"(iii) publish the final regulation not less than 30 days before the regulation's effective date.

"(3) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this subsection, the Secretary shall only promulgate regulations as described in subparagraph (B).

"(3) DISCONTINUANCE OF REGISTRATION.—The Secretary shall discontinue the registration of any commercial importer of drugs that fails to comply with the regulations promulgated under this subsection.

"(4) UNIQUE FACILITY IDENTIFIER.—The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1). The requirement to include a unique facility identifier in a registration under paragraph (1) shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.

"(5) EXEMPTIONS.—The Secretary, by notice in the Federal Register, may establish exemptions from the requirements of this subsection.

"(6) NOTIFICATION.—Subchapter E of chapter V (21 U.S.C. 350bb et seq.) is amended by adding at the end the following:

"SEC. 568. NOTIFICATION.

"(a) NOTIFICATION TO SECRETARY.—With respect to a drug, the Secretary may require notification to the Secretary by a regulated person if the regulated person knows—

"(1) the use of such drug in the United States may result in serious injury or death;

"(2) of a significant loss or known theft of such drug intended for use in the United States; or

"(3) that—

"(A) such drug has been or is being counterfeited; and

"(B) the counterfeit product is in commerce in the United States or could be reasonably expected to be introduced into commerce in the United States;

"(C) such drug has been or is being imported into the United States or may reasonably be expected to be offered for import into the United States.

"(b) MANNER OF NOTIFICATION.—Notification under this section shall be in such manner and by such means as the Secretary may specify by regulation or guidance.

"(c) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting any other authority of the Secretary to require notification related to a drug under any other provision of this Act or the Public Health Service Act.

"(d) DEFINITION.—In this section, the term "regulated person" means—

"(1) a person who is required to register under section 510 or 801; or

"(2) a wholesale distributor of a drug product; or

"(3) any other person that distributes drugs except a person that distributes drugs exclusively for retail sale.

SECTION 716. PROTECTION AGAINST INTENTIONAL ADULTERATION.

Section 363(b) (21 U.S.C. 333(b)) is amended by adding at the end the following:

"(7) Notwithstanding subsection (a)(2), any person that knowingly and intentionally adulterates a drug such that the drug is adulterated under subsection (a)(2), (b), (c), or (d) of section 201 (21 U.S.C. 355(a)), shall be subject to a penalty of causing serious adverse health consequences or death to humans or animals shall be imprisoned for not more than 20 years or fined not more than $1,000,000, or both.

SECTION 717. PENALTIES FOR COUNTERFEITING DRUGS.

(a) COUNTERFEIT DRUG PENALTY ENHANCEMENT.—

"(1) OFFENSE.—Section 2320(a) of title 18, United States Code, is amended—

"(A) by striking "or" at the end of paragraph (2);

"(B) by inserting "or" at the end of paragraph (3); and

"(C) by inserting after paragraph (3) the following:

"(4) traffics in a counterfeit drug;"

"and"

"(D) by striking "through (3)" and inserting "through (4)."

"(2) PENALTIES.—Section 2320(b)(3) of title 18, United States Code, is amended—

"(A) in the heading, by inserting "AND COUNTERFEIT DRUGS" after "SERVICES"; and

"(B) by inserting "or counterfeit drug" after "service".

"(3) DEFINITION.—Section 2320(f) of title 18, United States Code, is amended—

"(A) by striking "and" at the end of paragraph (4);

"(B) by striking the period at the end of paragraph (5) and inserting "and"; and

"(C) by adding at the end the following:

"(6) "the term 'counterfeit drug' means a drug, and by section 201 of the Federal Food, Drug, and Cosmetic Act, that uses a counterfeit mark or in connection with the drug.";

"(4) PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

"(5) SENTENCING COMMISSION DIRECTIVE.—

"(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by subsection (a), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

"(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the seriousness of the nature of the offense, that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(B) give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

"(C) SENTENCING COMMISSION DIRECTIVE.—

"(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by subsection (a), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

"(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the seriousness of the nature of the offense, that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(B) give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

"(C) SENTENCING COMMISSION DIRECTIVE.—

"(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by subsection (a), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

"(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the seriousness of the nature of the offense, that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(B) give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

"(C) SENTENCING COMMISSION DIRECTIVE.—

"(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by subsection (a), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

"(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the seriousness of the nature of the offense, that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

"(B) give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.
in furtherance of the violation was committed in the United States.”.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

SEC. 801. EXTENSION OF EXCLUSION PERIOD FOR DRUGS.

(a) In general.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 350D the following:

“SEC. 350E. EXTENSION OF EXCLUSION PERIOD FOR NEW QUALIFIED INFECTIOUS DISEASE PRODUCTS.

“(a) Extension.—If the Secretary approves an application under section 350 for a drug that has been designated as a qualified infectious disease product under subsection (d), the 4- and 5-year periods described in subsection (f)(I) or (f)(II) of section 350, the 3-year periods described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) of section 356, or the 5-year period described in section 527, as applicable, shall be extended by 5 years.

“(b) Relation to Pediatric Exclusivity.—Any extension under subsection (a) of this section shall be in addition to any extension of the period under section 505A with respect to the drug.

“(c) Limitations.—Subsection (a) does not apply to the approval of—

“(1) a supplement to an application under section 505(b) for any qualified infectious disease product for which an extension described in subsection (a) is in effect or has expired;

“(2) a subsequent application filed with respect to a product approved under section 505 for a change that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

“(3) a product that does not meet the definition of a qualified infectious disease product under subsection (g) based upon its approved uses.

“(d) Designation.—

“(1) In general.—The manufacturer or sponsor of a drug may request the Secretary to designate a drug as a qualified infectious disease product at any time before the submission of an application under section 505(b) for such drug. The Secretary shall, not later than 60 days after the submission of such a request, determine whether the drug is a qualified infectious disease product.

“(2) Limitation.—Except as provided in paragraph (3), a designation under this subsection shall not be withdrawn for any reason, including modifications to, and publication of the list of qualifying pathogens under subsection (f)(2)(C).

“(3) Revocation of designation.—The Secretary may revoke a designation of a drug as a qualified infectious disease product if the Secretary finds that the request for such designation contained an untrue statement of material fact.

“(e) Regulations.—

“(1) In general.—Not later than 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall promulgate final regulations implementing this section, including developing the list of qualifying pathogens described in subsection (f).

“(2) Procedure.—In promulgating a regulation implementing this section, the Secretary shall—

“(A) issue a notice of proposed rulemaking that includes the final regulation;

“(B) provide a period of not less than 60 days for comments on the proposed regulation; and

“(C) publish the final regulation not less than 30 days before the effective date of the regulation.

“(f) Restrictions.—Notwithstanding any other provision of law, the Secretary shall promulgate final regulations implementing this section only as described in paragraph (2), except that the Secretary may issue interim guidance for sponsors seeking designation under subsection (d) prior to the promulgation of such regulations.

“(g) Designation Prior to Regulations.—The Secretary shall designate a drug as a qualified infectious disease product under subsection (d) prior to the promulgation of regulations under this subsection, if such drugs meet the definition of a qualified infectious disease product described in subsection (g).

“(h) Qualifying Pathogen.—

“(1) Definition.—In this section, the term ‘qualifying pathogen’ means a pathogen identified and listed under section 527 or identified and listed by the Secretary under paragraph (2) that has the potential to pose a serious threat to public health, such as—

“(A) resistant pathogens, including methicillin-resistant Staphylococcus aureus, vancomycin-resistant Staphylococcus aureus, and vancomycin-resistant enterococci;

“(B) multi-drug-resistant gram negative bacteria, including Acinetobacter, Klebsiella, Pseudomonas, and E. coli species;

“(C) multi-drug-resistant tuberculosis; and

“(D) Clostridium difficile.

“(2) List of Qualifying Pathogens.—

“(a) In general.—The Secretary shall establish and maintain a list of qualifying pathogens described under this section, the Secretary shall—

“(i) consider—

“(I) the impact on the public health due to drug-resistant organisms in humans;

“(II) the rate of growth of drug-resistant organisms in humans;

“(III) the increase in resistance rates in humans; and

“(IV) the morbidity and mortality in humans; and

“(ii) consult with experts in infectious diseases and public health, including the Centers for Disease Control and Prevention, the Food and Drug Administration, medical professionals, and the clinical research community.

“(b) Review.—Every 5 years, or more often as needed, the Secretary shall review, provide modifications to, and publish the list of qualifying pathogens under subparagraph (A) and shall regulate review the list as necessary, in accordance with subsection (e).

“(h) Qualified Infectious Disease Products.—The term ‘qualified infectious disease product’ means a drug or product intended to be used in the United States to treat serious or life-threatening infections, including those caused by—

“(1) an antibacterial or antifungal resistant pathogen, including novel or emerging infectious pathogens; or

“(2) qualifying pathogens listed by the Secretary under subsection (f) .

“(b) Application.—Section 505E of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to a drug that is first approved under section 505 of the Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

“(c) Recommendations for Investigations.—If the Secretary has reason to believe that a drug for which a request for approval is made under this subsection is a qualified infectious disease product, the Secretary shall provide written recommendations to the applicant for nonclinical and clinical investigations which the Secretary believes may be necessary to be conducted with the drug before such drug may be approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

“(b) Recommendations.—If the Secretary decides that a drug is a qualified infectious disease product may request that the Secretary provide written recommendations for nonclinical and clinical investigations which the Secretary believes may be necessary to be conducted with the drug before such drug may be approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

“(c) Qualified Infectious Disease Products.—For purposes of this section, the term ‘qualified infectious disease product’ has the meaning given such term in section 527 of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act.

“(d) Reassessment of Qualified Infectious Disease Product Incentives in 5 Years.—

“(1) In general.—Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services shall, in consultation with the Food and Drug Administration, the Centers for Disease Control and Prevention, and other appropriate agencies, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that includes—

“(A) The number of initial designations of drugs as qualified infectious disease products...

(B) The number of qualified infectious disease products approved under such section 505E.

(C) Whether such products address the need for antibacterial and antifungal drugs to treat serious and life-threatening infections.

(D) A list of qualified infectious disease products with information on the types of exclusivity granted for each product, consistent with the information required under section 505E(1)(7)(A)(ii) of the Federal Food, Drug, and Cosmetic Act.

(E) The progress made regarding the review and revision of the clinical trial guidance documents required under section 804 and the impact such review and revision has had on the review and approval of qualified infectious disease products.

(F) The Federal contribution, if any, to funding of the clinical trials for each qualified infectious disease product for each phase.

(2) Recommendations—

(A) based on the information under paragraph (1) and any other relevant data, on any changes that should be made to the list of pathogens that are defined as qualifying pathogens under section 505E(9)(2) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act; and

(B) on whether any additional program (such as the development of public-private collaborations to enhance the authority of the FDA to consider approval of applications for drugs under section 505E(9)(2)) to enhance the authority of the FDA to consider approval of applications for antibacterial drugs.

(3) An examination of—

(A) the adoption of programs to measure the use of antibacterial drugs in health care settings; and

(B) the implementation and effectiveness of antibacterial stewardship protocols across all health care settings.

(4) Any recommendations for ways to encourage further development and establishment of stewardship programs.

(5) A description of the regulatory challenges and impediments to clinical development, approval, and licensure of qualified infectious disease products, and the steps the Secretary has taken or will take to address such challenges and ensure regulatory certainty and predictability with respect to qualified infectious disease products.

(b) Definition.—For purposes of this section, the term ‘qualified infectious disease product’ has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act.

SEC. 506. GUIDANCE ON PATHOGEN-FOCUSED ANTIBACTERIAL DRUG DEVELOPMENT.

(a) Draft Guidance.—Not later than June 30, 2013, in order to facilitate the development of antibacterial drugs for serious or life-threatening bacterial infections, particularly in areas of unmet need, the Secretary of Health and Human Services shall publish draft guidance that—

1. specifies how preclinical and clinical data can be utilized to inform an efficient and streamlined pathogen-focused antibacterial drug development program that meets the approval standards of the Food and Drug Administration; and

2. provides advice on approaches for the development of antibacterial drugs that target a more limited spectrum of pathogens.

(b) Final Guidance.—Not later than December 31, 2014, after notice and opportunity for public comment on the draft guidance under subsection (a), the Secretary of Health and Human Services shall publish final guidance consistent with this section.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

SEC. 901. ENHANCEMENT OF ACCELERATED PATIENT ACCESS TO NEW MEDICAL PRODUCTS.

(a) Findings; Sense of Congress.—

(1) Findings.—Congress finds as follows:

(A) The development of a medical product (referred to in this section as the ‘FDA’) serves a critical role in helping to assure that new medicines are safe and effective.

(B) Regulatory innovation in the development of the Nation’s strategy to address serious and life-threatening diseases or conditions by promoting investment in and development of innovative treatments for unmet medical needs.

(C) The progress made since the 2 decades following the establishment of the accelerated approval mechanism, advances in medical sciences, including immunology, molecular biology, and biometrics, have provided an unprecedented understanding of the underlying biological mechanism and pathogenesis of disease.

(D) A new generation of modern, targeted medicines is under development to treat serious and life-threatening diseases, some applying drug development strategies based on biomarkers or pharmacogenomics, predictive toxicology, clinical trial enrichment techniques, and novel clinical trial designs, such as adaptive clinical trials.

(E) As a result of these remarkable scientific and medical advancements, the FDA should be encouraged to implement more broadly effective processes for the expedited development and review of innovative new medicines intended to address serious or life-threatening diseases or conditions, including those for rare diseases or conditions, using a broad range of surrogate or clinical endpoints and modern scientific tools earlier in the drug development cycle when appropriate.

(F) This may result in fewer, smaller, or shorter clinical trials for the intended patient population or targeted patient subpopulation without compromising or altering the high standards of the FDA for the approval of drugs.

(G) Patients benefit from expedited access to safe and effective innovative therapies to treat unmet medical needs for serious or life-threatening diseases or conditions.

(H) For these reasons, the statutory authority in effect on the day before the date of enactment of this Act governing expedited approval of drugs for serious or life-threatening diseases or conditions should or can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict a product’s clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability of alternative treatments.

(I) The approval described in the preceding sentence is referred to in this section as ‘accelerated approval’.

(J) Evidence.—The evidence to support that a product is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, therapeutic, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

(2) Limitation.—An application for approval of a drug under this subsection may be submitted to the Secretary only if—

(A) the sponsor conduct appropriate postapproval studies to verify and describe the effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability of alternative treatments.

(B) The sponsor submit copies of all promotional materials related to the product developed under the proposed accelerated approval, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

(C) Expedited Withdrawal of Approval.—The Secretary may withdraw approval of a drug product under accelerated approval for serious or life-threatening diseases or conditions if—

1. the sponsor fails to conduct any required postapproval study of fast track drugs; or

2. the sponsor fails to conduct any required postapproval study of a drug product covered under section 505E of the Public Health Service Act.

(D) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

(E) the sponsor disseminates false or misleading information concerning the product.

(b) Definitions.—

(1) In General.—The term ‘accelerated approval’ means—

(A) The approval of a drug that is intended, whether alone or in combination with one or more other drugs, for the treatment of a serious or life-threatening disease or condition, and it demonstrates the potential to address unmet medical needs for such a disease or condition.

(B) the sponsor of a new drug may request the Secretary to designate the drug as a fast track product.

(2) Request for Designation.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for an investigational new drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

(3) Designation.—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary determines that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

(4) Accelerated Approval of a Drug for a Serious or Life-Threatening Disease or Condition, Including a Fast Track Product—

(A) In General.—

(1) Accelerated Approval.—The Secretary may approve an application for approval of a product for a serious or life-threatening disease or condition, including a fast track product, under section 505(c) of the Public Health Service Act upon a determination that the drug has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit, or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability of alternative treatments.

(B) Evidence.—The evidence to support that a product is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

(C) Limitation.—An application for approval of a drug under this subsection may be submitted to the Secretary only if—

1. the sponsor conduct appropriate postapproval studies to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability of alternative treatments.

2. The evidence to support that a product is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

(D) Expedited Withdrawal of Approval.—The Secretary may withdraw approval of a drug product under accelerated approval for serious or life-threatening diseases or conditions if—

1. the sponsor fails to conduct any required postapproval study of fast track drugs; or

2. the sponsor fails to conduct any required postapproval study of a drug product covered under section 505E of the Public Health Service Act.

(E) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

(F) the sponsor disseminates false or misleading information concerning the product.

(G) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

(H) the sponsor disseminates false or misleading information concerning the product.

(I) Review of Incomplete Applications for Accelerated Approval of a Fast Track Product—

(1) In General.—If the Secretary determines, after preliminary evaluation of clinical data
submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product for a rare disease or condition, as appropriate, under paragraph (1) of section 506 of the Federal Food, Drug, and Cosmetic Act, by the Secretary shall commence such review only if the applicant—

(A) provides a schedule for submission of information necessary to make the application complete; and

(B) pays any fee that may be required under section 506B.

(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in letters of the Secretary (referred to in this section as the “Secretary”) shall issue final guidance to implement the amendments to in this section as the “Secretary” shall issue, as necessary, conforming amendments to the applicable regulations under title 21, Code of Federal Regulations, governing accelerated approval.

(5) NO EFFECT OF INACTION ON REQUESTS.—The issuance (or nonissuance) of guidance or conforming regulations implementing the amendment made by subsection (b) shall not preclude the review of, or action on, a request for designation an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b).

(d) INDEPENDENT REVIEW.—The Secretary may enter into other plans, procedures, and contracts with independent entities with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review processes for the Food and Drug Administration’s application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), and may provide a program to encourage the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions. Any such evaluation shall include consultation with regulated industries, patient advocacy and disease research foundations, and relevant academic medical centers.

SEC. 902. BREAKTHROUGH THERAPIES.

(a) IN GENERAL.—Section 506 (21 U.S.C. 336), as amended by section 901 of this Act, is further amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting before subsection (b), as so redesignated, the following:

"(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug may be effective, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such as substantial treatment effects observed early in clinical development. (In this subsection, such a drug is referred to as a ‘breakthrough therapy’.)"

(c) GUIDANCE: AMENDED REGULATIONS.—

(1) DRAFT GUIDANCE.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance to implement the amendments made by sections 506B(e) and 906A(a) of the Food, Drug, and Cosmetic Act, by the Secretary shall consider how to incorporate novel approaches to the development of surrogate endpoints based on pathophysiologic and pharmacologic evidence such as, in instances where the low prevalence of a disease renders the existence or collection of other types of data plausibly or impossibly.

(4) CONFERENCE CHAIR.—The Secretary shall, as necessary, conforming amendments to the applicable regulations under title 21, Code of Federal Regulations, governing accelerated approval.

(5) NO EFFECT OF INACTION ON REQUESTS.—The issuance (or nonissuance) of guidance or conforming regulations implementing the amendment made by subsection (b) shall not preclude the review of, or action on, a request for designation an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b).

(d) INDEPENDENT REVIEW.—The Secretary may enter into other plans, procedures, and contracts with independent entities with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review processes for the Food and Drug Administration’s application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), and may provide a program to encourage the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions. Any such evaluation shall include consultation with regulated industries, patient advocacy and disease research foundations, and relevant academic medical centers.

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(2) by redesignating subsection (d) as subsection (e);

(3) by inserting before subsection (b), as so redesignated, the following:

"(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug may be effective, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such as substantial treatment effects observed early in clinical development. (In this subsection, such a drug is referred to as a ‘breakthrough therapy’.)"

(c) GUIDANCE: AMENDED REGULATIONS.—

(1) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance to implement the amendments made by section 506B(e) (21 U.S.C. 356b) is amended by striking "applicable to accelerated approval" and inserting "applicable to breakthrough therapies, accelerated approval," and;

(b) GUIDANCE: AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506B(e) of the Food, Drug, and Cosmetic Act (21 U.S.C. 356b), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(b) AMENDED REGULATIONS.—

(1) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by sections 506B(e) and 906A of the Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(b) AMENDED REGULATIONS.—

(1) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by section 506B(e) (21 U.S.C. 356b) is amended by striking "applicable to accelerated approval" and inserting "applicable to breakthrough therapies, accelerated approval," and;

(b) GUIDANCE: AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506B(e) of the Food, Drug, and Cosmetic Act (21 U.S.C. 356b), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(b) GUIDANCE: AMENDED REGULATIONS.—

(1) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by sections 506B(e) and 906A of the Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(b) AMENDED REGULATIONS.—

(1) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by section 506B(e) (21 U.S.C. 356b) is amended by striking "applicable to accelerated approval" and inserting "applicable to breakthrough therapies, accelerated approval," and;

(b) GUIDANCE: AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506B(e) of the Food, Drug, and Cosmetic Act (21 U.S.C. 356b), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(b) AMENDED REGULATIONS.—

(1) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by sections 506B(e) and 906A of the Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(b) AMENDED REGULATIONS.—

(1) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by section 506B(e) (21 U.S.C. 356b) is amended by striking "applicable to accelerated approval" and inserting "applicable to breakthrough therapies, accelerated approval," and;
is further amended by adding at the end the following:

**SEC. 589. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED AND GENETIC TARGETING OF TREATMENTS.**

(a) IN GENERAL.—For the purpose of promoting the efficiency of and informing the review by the Food and Drug Administration of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, the following shall apply:

(1) CONSULTATION WITH STAKEHOLDERS.—Consistent with sections X.C and IX.E.4 of the PDUFA Reauthorization Performance Goals and Priorities Fiscal Years 2013 through 2017, as referenced in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012, the Secretary shall ensure that opportunities exist, at a time the Secretary determines appropriate, for consultations with stakeholders on the topics described in subsection (b).

(2) CONSULTATION WITH EXTERNAL EXPERTS.—

(A) IN GENERAL.—The Secretary shall develop and maintain a list of external experts who, through their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address questions related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, include topics described in subsection (b), when such consultation is necessary because the Secretary lacks the specific scientific, medical, or technical expertise necessary for the performance of the Secretary's regulatory responsibilities and the necessary expertise can be provided by the external experts.

(B) EXTERNAL EXPERTS.—For purposes of subparagraph (A), external experts are individuals who possess scientific or medical training and who, because of their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address questions related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, include topics described in subsection (b), when such consultation is necessary because the Secretary lacks the specific scientific, medical, or technical expertise necessary for the performance of the Secretary's regulatory responsibilities and the necessary expertise can be provided by the external experts.

(c) TOPICS FOR CONSULTATION.—Topics for consultation pursuant to this section may include:

(1) rare diseases;

(2) the severity of rare diseases;

(3) the unmet medical need associated with rare diseases;

(4) the willingness and ability of individuals with a rare disease to participate in clinical trials;

(5) an assessment of the benefits and risks of therapies to treat rare diseases;

(6) the general design of clinical trials for rare disease populations and subpopulations; and

(7) the demographics and the clinical description of patient populations.

(e) CLASSIFICATION AS SPECIAL GOVERNMENT EMPLOYEES.—The external experts who are consulted under this section may be considered special government employees, as defined under section 202 of title 18, United States Code.

(d) PROTECTION OF CONFIDENTIAL INFORMATION AND TRADE SECRETS.—

(1) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter the protections offered by laws, regulations, and policies governing disclosure of confidential commercial or trade secret information, and any other information exempt from their special protection pursuant to section 552(b) of title 5, United States Code, as such provisions would be applied to consultation with individuals and organizations prior to the date of enactment of this Act.

(2) CONSENT REQUIRED FOR DISCLOSURE.—The Secretary shall not disclose confidential commercial or trade secret information to an expert consulted under this subsection without the written consent of the sponsor unless the expert is a special government employee (as defined under section 202 of title 18, United States Code) or the disclosure is otherwise authorized by law.

(c) OTHER CONSULTATION.—Nothing in this section shall be construed to limit the ability of the Secretary to consult with any scientific or medical organization as authorized prior to the date of enactment of this section.

(d) NO RIGHT OR OBLIGATION.—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder.

(e) NO ALTERING OF GOALS.—Nothing in this section shall be construed to alter the goals as described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

(f) NO CHANGE TO NUMBER OF REVIEW CYCLES.—Nothing in this section shall be construed to increase the number of review cycles as in effect before the date of enactment of this section.

(g) NO DELAY IN PRODUCT REVIEW.—

(1) IN GENERAL.—Prior to a consultation with an external expert, as described in this section, relating to an investigational new drug application under section 505(i), a new drug application under section 505(b)(1), a new biological product application under section 351 of the Public Health Service Act, the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research (or appropriate Division Director), as appropriate, shall determine that—

(i) such consultation will—

(ii) facilitate the expert's ability to complete the Secretary's review; and

(iii) address outstanding deficiencies in the application;

or

(2) the sponsor authorized such consultation.

(h) LIMITATION.—The requirements of this subsection shall apply to instances where the consultation is undertaken solely under the authority of this section. The requirements of this subsection shall not apply to any consultation initiated under any other authority.

(i) Classifications of patient populations.

SEC. 904. ACCESSIBILITY OF INFORMATION ON PRESCRIPTION DRUG CONTAINER LABELS BY VISUALLY IMPAIRED AND BLIND CONSUMERS.

(a) ESTABLISHMENT OF WORKING GROUP.—

(1) IN GENERAL.—The Architectural and Transportation Barriers Compliance Board (referred to in this section as the “Access Board”) shall convene a stakeholder working group (referred to in this section as the “working group”) to develop best practices on access to information on prescription drug container labels for blind and visually impaired individuals.

(2) MEMBERS.—The working group shall be comprised of representatives of national organizations representing blind and visually impaired individuals, national organizations representing the elderly, and industry groups representing stakeholders, including retail, mail-order, and independent community pharmacies, who would be impacted by such best practices. Representation within the working group shall be divided equally between consumer and industry advocates.

(b) BEST PRACTICES.—

(1) IN GENERAL.—The working group shall develop, not later than 1 year after the date of enactment of this Act, best practices for pharmacies to ensure that blind and visually impaired individuals have safe, consistent, reliable, and independent access to the information on prescription drug container labels.

(2) PUBLIC AVAILABILITY.—The best practices developed under paragraph (a) may be made available to the public through the Internet Web sites of the working group participant organizations, and through other means, in a manner that provides access to interested individuals with disabilities.

(c) LIMITATIONS.—The best practices developed under paragraph (a) shall not be con- strued as accessibility guidelines or standards of the Access Board, and shall not confer any rights or impose any obligations on working group participants or other persons. Nothing in such best practices shall be construed to limit or condition any right, obligation, or remedy available under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal law implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal law implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal law.

(d) OTHER CONSIDERATIONS.—In developing and issuing the best practices, the working group shall consider—

(1) the use of—

(i) Braile; and

(ii) auditory means, such as—

(I) “talking bottles” that provide audible container label information;

(II) high-contrast printing; and

(III) sans-serif font; and

(2) other relevant alternatives as determined by the working group.

(e) NO DELAY IN PRODUCT REVIEW.—

(1) IN GENERAL.—Beginning 18 months after the completion of the development of best practices under subsection (a)(3), the Comptroller General of the United States shall conduct a review of the extent to which pharmacies are using the best practices and any other factors unique to pharmacies that may pose significant challenges to the adoption of the best practices.

(f) FACIA WAIVER.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(g) GAO STUDY.—

(1) IN GENERAL.—Beginning on October 31, 2016, the Comptroller General of the United States shall submit to Congress a report on the review conducted under paragraph (1). Such report shall include recommendations about how to best to reduce the barriers experienced by blind and visually impaired individuals in independently accessing information on prescription drug container labels.

(h) DEFINITIONS.—In this section—

(1) the term “pharmacy” includes a pharmacy that receives prescriptions and dispenses prescription drugs through an Internet Web site or by telephone;

(2) the term “prescription drug” means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)(1)); and

(3) the term “prescription drug container label” means the label with the directions for use that is affixed to the prescription drug container by the pharmacist and dispensed to the consumer.

SEC. 905. RISK-BENEFIT FRAMEWORK.

Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: “The Secretary shall develop a structured risk-benefit assessment framework in the new drug approval process to facilitate the balanced consideration of
benefits and risks, a consistent and systematic approach to the discussion and regulatory decisionmaking, and the communication of the benefits and risks of new drugs. Nothing in the preceding sentence shall alter the criteria for evaluating an application for premarket approval of a drug.''.

SEC. 906. GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS AND TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) QUALIFIED TESTING DEFINITION.—Section 5(b)(1)(A)(ii) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A)(ii)) is amended by striking ‘‘after the date such entity is designated under section 526 of such Act and’’.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended as follows:

‘‘(c) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts under subsection (a), there are authorized to be appropriated $30,000,000 for each of fiscal years 2013 through 2017.’’

SEC. 907. REPORTING OF INCLUSION OF DEMOGRAPHIC SUBGROUPS IN CLINICAL TRIALS AND DATA ANALYSIS IN APPLICATIONS FOR DRUGS, BIOLOGICS, AND DEVICES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall publish a report on the Internet Web site of the Food and Drug Administration a report, consistent with the regulations of the Food and Drug Administration pertaining to the submission of confidential commercial information as of the date of enactment of this Act, addressing the extent to which clinical trial participation and the inclusion of safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity, is included in applications submitted to the Food and Drug Administration, and published by the Food and Drug Administration, within the meaning of section 526.

(2) CONTENTS OF REPORT.—The report described in paragraph (1) shall contain the following:

(A) A description of existing tools to ensure that data to support demographic analyses are submitted in applications for drugs, biological products, and devices, and that these analyses are conducted by applicants consistent with applicable Food and Drug Administration requirements and Guidance for Industry. The report shall address how the Food and Drug Administration uses the information about differences in safety and effectiveness of medical products according to demographic subgroups, such as sex, age, racial, and ethnic subgroups, to health care providers, researchers, and patients.

(B) An analysis of the extent to which demographic data subset analyses on sex, age, race, and ethnicity is presented in applications for new drug applications for new molecular entities under section 305 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in biologic license applications under section 351 of the Public Health Service Act (42 U.S.C. 262), and in premarket approval applications under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) for products approved or licensed by the Food and Drug Administration, consistent with applicable requirements and Guidance for Industry, and consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors’ confidential commercial information as of the date of enactment of this Act.

(C) An analysis of the extent to which demographic subgroups, including sex, age, racial, and ethnic subgroups, are represented in clinical trial populations and in premarket approval applications for licensed new molecular entities, biologic products, and devices.

(D) An analysis of the extent to which a summary of safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity is readily available to the public in a timely manner by means of the product labeling or the Food and Drug Administration’s Internet Web site.

(b) ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the publication of the report described in subsection (a), the Secretary, acting through the Commissioner, shall publish an action plan on the Internet Web site of the Food and Drug Administration, and provide such publication to Congress.

(2) CONTENT OF ACTION PLAN.—The plan described in paragraph (1) shall include—

(A) recommendations, as appropriate, to improve the completeness and quality of analyses of data on demographic subgroups in summaries of product safety and effectiveness data and in labeling;

(B) recommendations, as appropriate, on the inclusion of such data in labeling;

(C) recommendations, as appropriate, to otherwise improve the public availability of such data to patients, health care providers, and researchers;

and

(D) a determination with respect to each recommendation identified in subparagraphs (A) through (C) that data to support demographic analyses are included in applications for drugs, biological products, and devices, and that these analyses are conducted by applicants consistent with applicable Food and Drug Administration requirements and Guidance for Industry, and consistent with the regulations of the Food and Drug Administration pertaining to the submission of confidential commercial information as of the date of enactment of this Act, the Secretary, acting through the Commissioner, shall publish an action plan on the Internet Web site of the Food and Drug Administration, and provide such publication to Congress.

SEC. 908. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER INCENTIVE PROGRAM.

Subchapter B of chapter V (21 U.S.C. 360aa et seq.) is amended by adding at the end the following:

‘‘SEC. 529. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) DEFINITIONS.—In this section:

‘‘(1) PRIORITY REVIEW.—The term ‘priority review’ means a voucher issued by the Secretary to the sponsor of a rare pediatric disease product that contains a rare pediatric disease priority voucher under this section.

‘‘(2) FEE AMOUNT.—The amount of the priority review voucher is $100,000,000 for each of fiscal years 2012 through 2021.

(b) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts under subsection (a), there are authorized to be appropriated $30,000,000 for each of fiscal years 2013 through 2017.

(c) REQUIREMENTS.—The Secretary shall award a priority review voucher to the sponsor of a rare pediatric disease product upon approval by the Secretary of such rare pediatric disease product application.

(d) TRANSFERABILITY.—

‘‘(1) IN GENERAL.—The sponsor of a rare pediatric disease product application that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to another sponsor. There is no limit on the number of times a priority review voucher may be transferred before such voucher is used.

‘‘(2) NOTIFICATION OF TRANSFER.—Each person to whom a voucher is transferred shall notify the Secretary of such change in ownership of the voucher not later than 30 days after such transfer.

(e) LIMITATION.—A sponsor of a rare pediatric disease product that does not receive a priority review voucher under this section if the rare pediatric disease product application was submitted to the Secretary prior to the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012.

(f) NOTIFICATION.—

‘‘(1) IN GENERAL.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher only if such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

‘‘(2) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher only if such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

(g) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review voucher under this section if the rare pediatric disease product application has been submitted to the Secretary for review.

(h) PRIORITY REVIEW VOUCHER.—

‘‘(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher may submit the human drug application, including the date on which the sponsor intends to submit the application, to the Secretary, in exchange for the regularly binding commitment to pay for the user fee to be assessed in accordance with this section.

‘‘(2) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher only if such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

(i) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review voucher under this section if the rare pediatric disease product application has been submitted to the Secretary for review.

(j) PRIORITY REVIEW USER FEE.—

‘‘(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher may submit the human drug application, including the date on which the sponsor intends to submit the application, to the Secretary, in exchange for the regularly binding commitment to pay for the user fee to be assessed in accordance with this section.

‘‘(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary, based on the difference between—
“(A) the average cost incurred by the Food and Drug Administration in the review of a human drug application subject to priority review in the previous fiscal year; and

“(B) the average cost incurred by the Food and Drug Administration in the review of a human drug application that is not subject to priority review in the previous fiscal year.

“(2) NOTICE AND REPORT.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2012, the amount of the priority review user fee for that fiscal year.

“(4) PAYMENT.—

“(A) IN GENERAL.—The priority review user fee required by this subsection shall be due upon the notification by a sponsor of the intent of such sponsor to use the voucher, as specified in subsection (b)(4)(A). All other user fees associated with the human drug application shall be due as required by the Secretary or under applicable law.

“(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable fees on which a waiver, exemption, reduction, or refund of any fees due and payable under this section.

“(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to paragraph (4) for any fiscal year-

“(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

“(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

“(d) DESIGNATION PROCESS.—

“(1) IN GENERAL.—Upon the request of the manufacturer or the sponsor of a new drug, the Secretary may designate—

“(A) the new drug as a drug for a rare pediatric disease; and

“(B) the application for the new drug as a rare pediatric disease product application.

“(2) REQUEST FOR DESIGNATION.—The request for a designation under paragraph (1) shall be made at the same time a request for designation of orphan drug status under section 526 or fast-track designation under section 506 is made. Requesting designation under this subsection is not a prerequisite to receiving a priority review voucher under this section.

“(3) Determination by Secretary.—Not later than 60 days after a request is submitted under paragraph (1), the Secretary shall determine whether—

“(A) the disease or condition that is the subject of such request is a rare pediatric disease; and

“(B) the application for the new drug is a rare pediatric disease product application.

“(e) MARKETING OF RARE PEDIATRIC DISEASE PRODUCTS.—

“(1) REVOCATION.—The Secretary may revoke any priority review voucher awarded under subsection (d) if information contained in the application for which such voucher was awarded is not marketed in the United States within the 365-day period beginning on the date of the approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act.

“(2) POSTAPPROVAL PRODUCTION REPORT.—The sponsor of an approved rare pediatric disease product subject to paragraph (1) shall report to the Secretary not later than 5 years after the approval of the applicable rare pediatric disease product application. Such report shall provide the following information, with respect to each of the first 4 years after approval of such product:

“(A) The estimated population in the United States affected by such rare pediatric disease.

“(B) The estimated demand in the United States for such rare pediatric disease product.

“(C) The actual amount of such rare pediatric disease product distributed in the United States.

“(D) NOTICE AND REPORT.—The Secretary shall publish a notice in the Federal Register and on the Internet Web site of the Food and Drug Administration not later than 30 days after the occurrence of each of the following:

“(A) The Secretary issues a priority review voucher under this section.

“(B) The Secretary approves a drug pursuant to an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act, if the application used a priority review voucher under this section.

“(2) NOTIFICATION.—If, after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, a sponsor of an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for a drug uses a priority review voucher under this section, the Secretary shall publish a notice in the Federal Register and on the Internet Web site of the Food and Drug Administration stating that the voucher has been used.

“(3) ANNUAL FEE SETTING.—The Secretary shall publish a notice in the Federal Register and on the Internet Web site of the Food and Drug Administration stating that the voucher has been used.

“(4) PAYMENT.—

“(A) The estimated population in the United States affected by the rare pediatric disease for which the priority review voucher was awarded under section 505(b) of this Act or section 351(a) of the Public Health Service Act.

“(B) The estimated population in the United States affected by the rare pediatric disease for which the priority review voucher was awarded under section 505(b) of this Act or section 351(a) of the Public Health Service Act.

“(C) The estimated demand in the United States for the rare pediatric disease product.

“(D) Notice and Report.—The Secretary shall make the written response to the request for designation available to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a document—

“(A) notifying both Committees of the use of such voucher; and

“(B) identifying the drug for which such priority review voucher was used.

“(e) ELIGIBILITY FOR OTHER PROGRAMS.—Nothing in this section precludes a sponsor who seeks a priority review voucher under this section from participating in any other incentive program, including under this Act.

“(h) RELATION TO OTHER PROVISIONS.—The provisions of this section shall supplement, not supplant, any other provisions of this Act or the Public Health Service Act that encourage the development of drugs for tropical diseases and rare pediatric diseases.

“(i) GAO STUDY AND REPORT.—

“(1) IN GENERAL.—Beginning on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing:

“(A) The estimated population in the United States affected by the rare pediatric disease for which the priority review voucher was awarded under section 505(b) of this Act or section 351(a) of the Public Health Service Act.

“(B) Whether, and to what extent, an unmet need is present related to the treatment or prevention of a rare pediatric disease for which the Secretary awards the third rare pediatric disease priority voucher under this section.

“(C) The level requested is not necessary to address a shortage of such drug.

“(D) Whether a shortage of such drug is practicable, the Secretary shall distribute, if appropriate, information on the discontinuation or interruption of the manufacture of such drug.

“(f) NOTICE AND REPORT.—If, after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, the Secretary holds a reading of the results of the study under paragraph (1).”

“TITLe X—DRUG SHORTAGES

SEC. 1001. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

“(a) IN GENERAL.—A manufacturer of a drug—

“(1) that is—

“(A) life-saving;

“(B) life-sustaining; or

“(C) intended for use in the prevention or treatment of a debilitating disease or condition, including any such drug used in emergency medical care or during surgery; and

“(2) that is not a radio pharmaceutical drug product or any other product as designated by the Secretary, shall notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the drug or an interruption of the manufacture of the drug that is likely to lead to a meaningful disruption in the supply of that drug in the United States, and the reasons for such discontinuance or interruption.

“(b) TIMING.—A notice required under subsection (a) shall be submitted to the Secretary—

“(1) at least 6 months prior to the date of the discontinuance or interruption; or

“(2) if compliance with paragraph (1) is not possible, as soon as practicable.

“(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute, in accordance with applicable law, information on the discontinuation or interruption of the manufacture of the drugs described in subsection (a) to appropriate organizations including drug manufacturers, drug shells providers, and patient organizations, as described in section 566E.

“(d) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 552(b)(4) of title 18, United States Code.

“(e) COORDINATION WITH ATTORNEY GENERAL.—Not later than 30 days after the receipt of a notification described in subsection (a), the Secretary shall—

“(1) determine whether the notification pertains to a controlled substance subject to a production quota under section 306 of the Controlled Substances Act; and

“(2) if necessary, as determined by the Secretary—

“(A) notify the Attorney General that the Secretary has received such a notification; and

“(B) request that the Attorney General increase the aggregate and individual production quota under section 201(a) of title 21, United States Code, or section 201(a) of title 21, United States Code; and

“(C) if the Attorney General determines that the level requested is not necessary to address a shortage of such a drug, increase the aggregate and individual production quota under section 201(a) of title 21, United States Code, or section 201(a) of title 21, United States Code.

“The Secretary shall make the written response provided under paragraph (C) available to the public on the Internet Web site of the Food and Drug Administration.

“(f) FAILURE TO MEET REQUIREMENTS.—If a person fails to submit information required under subsection (a) in accordance with subsection (b) by the dates required under subsection (b)—

“(1) the Secretary shall issue a letter to such person informing such person of such failure;

“(2) not later than 30 calendar days after the issuance of a letter under paragraph (1), the person who receives such letter shall submit to the Secretary a written response to such letter setting forth the basis for noncompliance and providing information required under subsection (a); and

“(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the
Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the Internet Web site of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (a), except that, if the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such letter, finds that the person did not have a reasonable basis for not notifying as required under subsection (a), the requirement of this paragraph shall not apply.

(4) EXPEDITED INSPECTIONS AND REVIEWS.—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a drug shortage of a drug described in subsection (a), the Secretary may—

(1) expedite the review of a supplement to a new drug application submitted under section 505(b), an abbreviated new drug application submitted under section 505(j), or a supplement to such an application submitted under section 505(i) that could help mitigate or prevent such shortage; or

(2) expedite an inspection or reinspection of an establishment that could help mitigate or prevent such shortage.

(h) DEFINITIONS.—For purposes of this section—

(1) the term 'drug'—

(A) means a drug (as defined in section 201(g)) that is intended for human use and that is subject to section 503(b)(1); and

(B) includes products derived from human plasma products (as defined in section 351 of the Public Health Service Act), unless otherwise provided by the Secretary in the regulations promulgated under subsection (i); and

(2) the term 'drug shortage' or 'shortage', with respect to a drug, means a period of time when there is a shortage of a drug within the United States which exceeds the supply of the drug and

(3) the term 'meaningful disruption'—

(A) in production that is reasonably likely to lead to a reduction in the supply of a drug by a manufacturer that is more than negligible and affects the ability of the manufacturer to fill orders or meet expected demand for its product; and

(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

(i) SOLUTIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt a final regulation implementing this section.

(2) CONTENTS.—Such regulation shall define, for purposes of this section, the terms 'life-sustaining', 'life-supporting', and 'intended for use in the prevention or treatment of a debilitating disease or condition'.

(j) INCLUSION OF BIOLOGICAL PRODUCTS.—

(A) IN GENERAL.—The Secretary may by regulation apply this section to biological products (as defined in section 351 of the Public Health Service Act) that are a component of a plasma product derived from human plasma protein and their recombinant analogs, if the Secretary determines such inclusion would benefit the public health. Such regulation may account for any supply reporting programs and shall aim to reduce duplication of notification.

(B) RULE FOR VACCINES.—If the Secretary applies this section to vaccines pursuant to subparagraph (A), the Secretary shall—

(i) consider whether the notification requirement under subsection (a) may be satisfied by submitting a notification to the Centers for Disease Control and Prevention under the vaccine shortage notification program of such Centers; and

(ii) explain the determination made by the Secretary under clause (i) in the regulation.

SEC. 1002. ANNUAL REPORTING ON DRUG SHORTAGES.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506C, as amended by section 1001 of this Act, the following:

SEC. 506C–1. ANNUAL REPORTING ON DRUG SHORTAGES.

(a) ANNUAL REPORTS TO CONGRESS.—Not later than the end of calendar year 2013, and not later than the end of each calendar year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on drug shortages that—

(1) specifies the number of manufacturers of such program, would need to have the capability and capacity to supply products determined or anticipated to be in shortage; and

(2) in examining the capability and capacity to supply products in shortage, the 'qualified manufacturer' could have a site that manufactures a drug listed under section 506C or have the capacity to produce drugs in response to a shortage within a rapid time frame; and

(3) shall examine whether incentives are necessary to encourage the participation of 'qualified manufacturers';

(b) COMMUNICATION.—The Secretary shall—

(1) take into account that

(A) a 'qualified manufacturer', for purposes of such program, would need to have the capability and capacity to supply products determined or anticipated to be in shortage; and

(B) in examining the capability and capacity to supply products in shortage, the 'qualified manufacturer' could have a site that manufactures a drug listed under section 506C or have the capacity to produce drugs in response to a shortage within a rapid time frame; and

(c) CONSULTATION.—In carrying out this paragraph, the task force shall ensure consultation with the appropriate offices within the Food and Drug Administration, including the Office of the Commissioner, the Center for Drug Evaluation and Research, the Office of Regulatory Affairs, and employees within the Department of Health and Human Services with expertise regarding drug shortages. The Secretary shall engage external stakeholders and experts as appropriate.

(d) TIMING.—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the task force shall—

(1) publish the strategic plan described in paragraph (1); and

(2) submit such plan to Congress.

(e) CONSULTATION.—The Secretary shall ensure that, prior to any enforcement action or issuance of a warning letter that the Secretary believes such a study determines could reasonably be anticipated to lead to a meaningful disruption in the supply of a drug in the United States of a drug described under section 506C(a), there is communication with the appropriate office of the Food and Drug Administration, including the Office of the Commissioner, the Center for Drug Evaluation and Research, the Office of Regulatory Affairs, and employees within the Department of Health and Human Services with expertise regarding drug shortages regarding whether the action or letter could cause, or exacerbate, a shortage of the drug.

(f) ACTION.—If the Secretary determines, after the communication described in subsection (b), that an enforcement action or a warning...
letter could reasonably cause or exacerbate a shortage of a drug described under section 506C(a), then the Secretary shall evaluate the risks associated with the impact of such shortage on drug distributions that risk associated with the violation involved before taking such action or issuing such letter, unless there is in¬
minent risk of serious adverse health con¬
sequences or death to humans.

“(d) REPORTING BY OTHER ENTITIES.—The Secretary shall identify or establish a mecha¬
nism by which health care providers and other third-party organizations may report to the Sec¬
retary evidence of a drug shortage.

“(e) REVIEW AND CONSTRUCTION.—No deter¬
mination, finding, action, or omission of the Secretary under this section shall be subject to judicial review or appeal, in whole or in part.

“(f) REPORTING BY OTHER ENTITIES.—The Secretary may choose not to make information collected under paragraph (a), available, in whole or in part, to any individual, unless the Secretary determines that disclosure of such information would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of drug products to patients).”

SEC. 1004. DRUG SHORTAGE LIST.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506D, as added by sec¬
tion 1003 of this Act, the following:

“SEC. 506E. DRUG SHORTAGE LIST.

“(a) ESTABLISHMENT.—The Secretary shall maintain an up-to-date list of drugs that are deter¬
mined by the Secretary to be in shortage in the United States.

“(b) CONTENTS.—For each drug on such list, the Secretary shall include the following infor¬
mation:

“(1) The name of the drug, including the National Drug Code number for such drug.

“(2) The name of each manufacturer of such drug.

“(3) The reason for the shortage, as deter¬
maged by the Secretary, selecting from the fol¬
lowing categories:

“(A) Requirements related to complying with good manufacturing practices.

“(B) Regulatory delay.

“(C) Shortage of an active ingredient.

“(D) Shortage of an inactive ingredient com¬
ponent.

“(E) Discontinuation of the manufacture of the drug.

“(F) Delay in shipping of the drug.

“(G) Demand increase for the drug.

“(H) The estimated duration of the shortage as determined by the Secretary.

“(I) PUBLIC AVAILABILITY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall make the informa¬
tion described in subparagraph (a) of this subsection available on the Internet Web site of the Food and Drug Administration.

“(2) TRADE SECRETS AND CONFIDENTIAL INFOR¬
MATION.—Nothing in this section alters or modifies section 522(h)(4) of title 5 of such Code.

“(3) PUBLIC HEALTH EXCEPTION.—The Secretary may not make information collected under this section publicly available under paragraph (2) of section 522(h)(4)(B) of such Code if the Secretary determines that disclosure of such in¬
formation would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of drug products to patients).”

SEC. 1005. QUOTAS APPLICABLE TO DRUGS IN SHORTAGE.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended by adding at the end the following:

“(h)(1) Not later than 30 days after the receipt of a request for a release under paragraph (2), the At¬
torney General shall—

“(A) complete review of such request; and

“(B) notify as necessary to address a shortage of a controlled substance, increase the aggregate and individual production quotas under this section applicable to such controlled substance and any ingredient therein to the level re¬quested;

“(ii) if the Attorney General determines that the level requested is not necessary to address a shortage of such drug, the Attorney General shall provide a written response detail¬
ning the basis for the Attorney General’s deter¬
mation.

“The Secretary shall make the written response provided under subparagraph (B)(iii) available to the public on the Internet Web site of the Food and Drug Administration.

“(2) A request is described in this paragraph if—

“(A) the request pertains to a controlled sub¬
stance on the list of drugs in shortage main¬
tained under section 506E of the Federal Food, Drug, and Cosmetic Act; and

“(B) the request is submitted by the manufac¬
turer of the controlled substance; and

“(C) the controlled substance is in schedule II.

“SEC. 1006. ATTORNEY GENERAL REPORT ON DRUG SHORTAGES.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on Energy and Commerce of the House of Representa¬
tives and the Committee on the Judiciary of the Senate a report on drug shortages that—

“(1) identifies the number of requests received under section 306(h) of the Controlled Sub¬
stances Act (as added by section 1003 of this Act), the average review time for such requests, the number of requests granted and denied under such section, and, for each of the requests denied under such section, the basis for such de¬
nial;

“(2) describes the coordination between the Drug Enforcement Administration and Food and Drug Administration on efforts to prevent or alleviate drug shortages; and

“(3) identifies drugs containing a controlled substance subject to section 306 of the Con¬

trolled Substances Act when such a drug is de¬
termined by the Secretary to be in shortage.

“SEC. 1007. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506E, as added by sec¬
tion 1004 of this Act, the following:

“SEC. 506F. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

“(a) DEFINITIONS.—In this section:

“(1) DRUG.—The term ‘drug’ includes any controlled substances (as such term is defined in section 102 of the Controlled Substances Act).

“(2) HEALTH SYSTEM.—The term ‘health sys¬

tem’ means a collection of hospitals that are owned and operated by the same entity and that share access to databases with drug order infor¬
mation for their patients.

“(3) REPACK.—For the purposes of this section, the term ‘repack’ means, with respect to a drug, means to divide the volume of a drug into smaller amounts in order to—

“(A) extend the supply of a drug in response to the placement of the drug on a drug shortage list under section 506E; and

“(B) facilitate access to the drug by hospitals within the same health system.

“(4) EXCLUSION FROM REGISTRATION.—Not¬
withstanding any other provision of this Act, a hospital shall not be considered an establish¬
ment for which registration is required under section 510 solely because it repackages a drug and transfers it to another hospital within the same health system in accordance with the con¬
ditions in subsection (c).

“(b) REQUIREMENTS.—The Secretary shall only apply to a hospital, with respect to the repack¬
aging of a drug for transfer to another hospital within the same health system, if the following conditions are met:

“(1) DRUG FOR INTRASYSTEM USE ONLY.—In no case may a drug that has been repackaged in accordance with this section be sold or other¬

wise distributed by the health system or a hos¬
pital within the system to an entity or indi¬

vidual that is not a hospital within such health system.

“(2) COMPLIANCE WITH STATE RULES.—Repack¬
aging of a drug under this section shall be done in accordance with applicable require¬
ments of each State in which the drug is repack¬
aged and received.

“(c) TERMINATION.—This section shall not apply or after the date on which the Sec¬
retary issues final guidance that clarifies the policy of the Food and Drug Administration re¬
garding hospital pharmacies repackaging and safely transferring repackaged drugs to other hospitals within the same health system during a drug shortage.”

“SEC. 1008. STUDY ON DRUG SHORTAGES.

“(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine the cause of drug shortages and formulate rec¬
ommendations on how to prevent or alleviate such shortages.

“(b) CONSIDERATION.—In conducting the study under this section, the Comptroller General shall consider the following questions:

“(1) What are the dominant characteristics of drugs that have gone into a drug shortage over the preceding 3 years?

“(2) Are there systemic high-risk factors (such as drug pricing structure, including Federal reim¬
bursements, or the number of manufacturers producing a drug product) that have led to the concentration of drug shortages in certain drug products that have made such products vulner¬
able to drug shortages?

“(3) Is there a reason why drug shortages have occurred primarily in the sterile injectable mar¬
ket and in certain therapeutic areas?

“(4)(A) How have regulations, guidance docu¬
ments, regulatory practices, policies, and other actions of Federal departments and agencies (including the effectiveness of interagency and intra-agency coordination, communication, stra¬
gic planning, and decisionmaking), including those used to enforce statutory requirements, af¬
ected drug shortages?

“(B) Do any such regulations, guidelines, poli¬
cies, or practices cause, exacerbate, prevent, or mitigate drug shortages?

“(C) How can regulations, guidelines, policies, or practices be modified, streamlined, expanded, or discontinued in order to reduce or prevent such drug shortages?

“(D) What effect would the changes described in subparagraph (C) have on the public health?

“(E) How does hoarding affect drug shortages?

“(F) How would incentives alleviate or prevent drug shortages?

“(7) To what extent are health care providers, including hospitals and physicians responding to drug shortages, able to adjust directly to compensate for such shortages, and what im¬pediments exist that hinder provider ability to adapt to such shortages?

“(8)(A) Have drug shortages led market partici¬
pants to stockpile affected drugs or sell such drugs at inflated prices?

“(B) What has been the impact of any such ac¬
tivities described in subparagraph (A) on Fed¬
eral revenue, and are there any economic fac¬
tors that have exacerbated or created a market for such activities?

“(C) Is there a need for any additional report¬
ing or enforcement actions to address such ac¬
tivities?

“(9)(A) How have the activities under section 506D of the Federal Food, Drug, and Cosmetic Act (as added by section 1003 of this Act) im¬
proved the efforts of the Food and Drug Admin¬
istration to mitigate and prevent drug short¬
ages?
(B) is there a need to continue the task force and strategic plan under such section 506D, or are there any other recommendations to increase communication and coordination inside the Food and Drug Administration, between the Food and Drug Administration and other agencies, and between the Food and Drug Administration and stakeholders?

(c) CONSULTATION WITH STAKEHOLDERS.—In conducting the study under this section, the Comptroller General shall consult with relevant stakeholders, including physicians, pharmacists, hospital patients, drug manufacturers, and other health providers.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the findings and recommendations made by the study conducted under this section.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

SEC. 1101. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

(a) IN GENERAL.—Section 505(a)(4) (21 U.S.C. 355(a)(4)) is amended by striking “2012” and inserting “2017.”


SEC. 1102. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNER-}

Subsection (j) of section 506 (21 U.S.C. 360bbb–5) is amended to read as follows:”

“(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $6,000,000 for each of fiscal years 2013 through 2017.”

Subtitle B—Medical Gas Product Regulation

SEC. 1111. REGULATION OF MEDICAL GASES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“Subchapter G—Medical Gases

SEC. 575. DEFINITIONS.

“(1) The term ‘designated medical gas’ means any of the following:

“(A) Oxygen that meets the standards set forth in an official compendium.

“(B) Nitrous oxide that meets the standards set forth in an official compendium.

“(C) Helium that meets the standards set forth in an official compendium.

“(D) Carbon monoxide that meets the standards set forth in an official compendium.

“(E) Medical air that meets the standards set forth in an official compendium.

“(F) Any other medical gas that is administered by this subsection.

“(G) Medical air that meets the standards set forth in an official compendium.

“(H) A medical gas for which a certification is granted under subparagraph (2) of section 505A, on the basis of such deemed approval.

“(I) The term ‘designated medical gas’ means regulations in title 21 of the Code of Federal Regulations, unless any period of exclusivity under section 505(c)(2)(E)(ii) or section 505(d)(6)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas has not expired.

“(J) The term ‘medical gas’ means a drug that—

“(A) is manufactured or stored in a liquefied, nonliquefied, or cryogenic state; and

“(B) is administered as a gas.

SEC. 576. REGULATION OF MEDICAL GASES.

(a) CERTIFICATION OF DESIGNATED MEDICAL GASES.

“(A) The term ‘designated medical gas’ shall mean any medical gas that—

“(I) is submitted—Beginning 180 days after the date of enactment of this section, any person may file with the Secretary a request for certification of a medical gas as a designated medical gas. Any such request shall contain the following information:

“(1) A description of the medical gas.

“(2) The name and address of the sponsor.

“(3) The name and address of the facility or facilities where the medical gas is or will be manufactured.

“(4) Any other information deemed appropriate by the Secretary to determine whether the medical gas is a designated medical gas.

“(B) Other provisions for use:

“(1) In the case of oxygen, the treatment or prevention of hypoxia.

“(2) In the case of nitrogen, use in hypoxic challenge testing.

“(3) In the case of nitrous oxide, analgesia.

“(4) In the case of carbon dioxide, use in extracorporeal membrane oxygenation therapy or respiratory stimulation.

“(5) In the case of helium, the treatment of upper airway obstruction or increased airway resistance.

“(6) In the case of medical air, to reduce the risk of hyperoxia.

“(7) In the case of carbon monoxide, use in lung diffusion testing.

“(8) Other any indication for use for a designated medical gas that is determined by the Secretary, after taking into account any investigational new drug application or investigational new drug approval for the same medical gas submitted in accordance with regulations applicable to such applications in title 21 of the Code of Federal Regulations, unless any period of exclusivity under section 505(c)(2)(E)(ii) or section 505(d)(6)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas has not expired.

“(II) The requirements of sections 503(b)(4) and 502(f) are deemed to have been met for a designated medical gas if the labeling on final use container for such medical gas bears—

“(1) the information required by section 505A; and

“(2) a warning statement concerning the use of the medical gas as determined by the Secretary by regulation; and

“(III) appropriate directions and warnings concerning storage and handling.

“(B) INAPPLICABILITY OF EXCLUSIVITY PROVISIONS.

“(1) NO EXCLUSIVITY FOR A CERTIFIED MEDICAL GAS.—No designated medical gas deemed under subparagraph (A) to have in effect an approved application for use shall be subject to any period of exclusivity under section 505A, on the basis of such deemed approval.

“(2) EFFECT ON CERTIFICATION.—No period of exclusivity under section 503(b)(4), or section 505A, applicable to a designated medical gas shall be suspended or delayed as a result of another certification, as medically appropriate, with another designated medical gas.

“(C) All other provisions for use:

“(1) NO PRESCRIPTION REQUIRED FOR CERTAIN USES.—Nothing in this subtitle and the amendments made by this subtitle applies with respect to—

“(2) OXYGEN.—(A) NO PRESCRIPTION REQUIRED FOR CERTAIN USES.—Notwithstanding paragraph (1), oxygen may be provided without a prescription for the following uses:

“(I) For use in the event of depressurization or other environmental oxygen deficiency.

“(II) For oxygen deficiency or for use in emergency resuscitation, when administered by a properly trained personnel.

“(B) LABELING.—For oxygen provided pursuant to subparagraph (A), the requirements of section 503(b)(4) shall be deemed to have been met if its labeling bears a warning that the oxygen can be used for emergency use only and for all other medical applications a prescription is required.

“SEC. 577. INAPPLICABILITY OF DRUG FEES TO DESIGNATED MEDICAL GASES.

“(A) A designated medical gas shall be combined with another designated gas or gases (as medically appropriate) deemed under section 506 to have in effect an approved application for use shall be subject to the fees under section 736(a) on the basis of such deemed approval.”

SEC. 1112. CHANGES TO REGULATIONS.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, after obtaining input from medical gas manufacturers and any other interested members of the public, shall—

“(I) determine whether any changes to the Federal drug regulations are necessary for medical gases; and

“(II) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding any such changes.

(b) REGULATIONS.—If the Secretary determines under subsection (a) that changes to the Federal drug regulations are necessary for medical gases, the Secretary shall issue final regulations revising the Federal drug regulations with respect to medical gases not later than 48 months after the date of the enactment of this Act.

“SEC. 1113. RULES OF CONSTRUCTION.

Nothing in this subtitle and the amendments made by this subtitle applies with respect to—

SEC. 1101. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

SEC. 1102. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNER-
(1) a drug that is approved prior to May 1, 2012, pursuant to an application submitted under section 355 or 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360b–5); (2) in subparagraphs (A), (B), (C), (D), and (E) of section 575(4) of the Federal Food, Drug, and Cosmetic Act, as added by section 1111 of this Act, or any combination of any such options for an indication that—
(A) is not included, or is different from, those specified in subclauses (I) through (VII) of section 575(4) of such Act; and
(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 355 or 512 of such Act;
(3) a drug that is a designated medical gas approved pursuant to subparagraph (A) of section 575(1) of such Act for an indication that—
(A) is not included, or is different from, those specified in subclauses (I) through (VII) of such Act; and
(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 355 or 512 of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. GUIDANCE DOCUMENT REGARDING PROMOTION USING THE INTERNET.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that describes Food and Drug Administration policy regarding the promotion, using the Internet (including social media), of medical products that are regulated by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5).

SEC. 1122. COMBATING PRESCRIPTION DRUG ABUSE.

(a) In General.—To combat the significant rise in prescription drug abuse and the consequences of such abuse, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), in coordination with other Federal agencies and appropriate, shall report current Federal initiatives and identify gaps and opportunities with respect to—
(1) ensuring the use of prescription drugs with the potential for abuse; and
(2) the treatment of prescription drug dependence.
(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall post on the Department of Health and Human Services’ Internet Web site a report on the findings and recommendations under subsection (a).

SEC. 1124. ADVANCING REGULATORY SCIENCE TO PROMOTE PUBLIC HEALTH INNOVATION.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall develop a strategy and implementation plan for advancing regulatory science for medical products in order to promote the public health and advance innovation in regulatory decisionmaking.
(b) Requirements.—The strategy and implementation plan developed under subsection (a) shall be consistent with the user fee performance goals in the Prescription Drug User Fee Agreement, the Medical Device User Fee Agreement, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement transmitted by the Secretary to Congress on April 20, 2012.
(c) Review and Implementation Plan.—The Secretary shall—
(1) identify a clear vision of the fundamental role of efficient, consistent, and predictable, science-based decisions throughout regulatory decisionmaking of the Food and Drug Administration;
(2) identify the regulatory science priorities of the Food and Drug Administration directly related to fulfilling the mission of the agency with respect to the review and approval of medical products and allocation of resources toward such regulatory science priorities;
(3) identify regulatory and scientific gaps that impede the timely development and review of, and regulatory certainty with respect to, the approval, licensure, or clearance of medical products containing with respect to medical products and new technologies, and facilitating the timely introduction and adoption of new technologies and methodologies in a safe and effective manner; and
(4) identify clear, measurable metrics by which progress on the priorities identified under paragraph (2) and gaps identified under paragraph (3) will be measured by the Food and Drug Administration, including metrics specific to the integration and adoption of advances in regulatory science described in paragraph (5) and improving medical product decisionmaking in a predictable, science-based manner;
and
set forth how the Food and Drug Administration will ensure that advances in regulatory science as set forth in paragraph (5) are integrated across centers, divisions, and branches of the Food and Drug Administration, including by regulatory science managers and reviewers, including through—
(A) development, updating, and consistent application of guidance documents that support medical product decisionmaking;
(c) PERFORMANCE REPORTS.—The annual performance reports submitted under sections 736B(a) (as amended by section 104 of this Act), 738A(a) (as amended by section 204 of this Act), and 750(d) (as added by section 403 of this Act) of the Federal Food, Drug, and Cosmetic Act for each of fiscal years 2014 and 2016, shall include a report from the Secretary on the progress made with respect to—
(1) advancing the regulatory science priorities identified under paragraph (2) of subsection (b) and resolving the gaps identified under paragraph (3) of such subsection;
(2) the integration and adoption of advances in regulatory science goals outlined in the Prescription Drug User Fee Agreement, the Medical Device User Fee Agreement, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement transmitted by the Secretary to Congress on April 20, 2012.
(d) MEDICAL PRODUCT.—In this section, the term "medical product" means a drug, as defined in subsection (g) of section 201, a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

SEC. 1125. INFORMATION TECHNOLOGY.

(a) HHS REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—
(1) report to Congress on—
(A) the milestones and a completion date for developing and implementing a comprehensive information technology strategic plan to align the information technology systems modernization projects with the strategic goals of the Food and Drug Administration, including results- oriented goals, strategies, milestones, performance measures;
and
(B) efforts to finalize and approve a comprehensive inventory of the information technology systems modernization that includes information describing each system, such as systems, cost and performance measures.
purpose, and status information, and incorpor-
ate use of the system portfolio into the infor-
mation investment management process of the
Food and Drug Administration;
(C) the Food and Drug Admini-
stration uses the plan described in subpara-
graph (A) to guide and coordinate the modern-
ization projects and activities of the Food and
Drug Administration, including the inter-de-
pendencies among projects and activities; and
(D) the extent to which the Food and Drug Administra-
tion has fulfilled or is implementing recom-
mendations of the Government Account-
ability Office with respect to the Food and Drug
Administration and information technology; and
(2) develop—
(A) a documented enterprise architecture pro-
gram management plan that includes the tasks,
activities, and timeframes associated with devel-
oping and using the architecture and addresses
how the enterprise architecture program man-
agement will be performed in coordination with
other management disciplines, such as organiza-
tional strategic planning, capital planning and
investment control, and performance manage-
ment; and
(B) a skills inventory, needs assessment, gap anal-
ysis, and matrix to address skills gaps as part of a strategic approach to information technology human capital planning.
(b) GAO REPORT.—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic plan described in subsection (a)(1)(A) and related actions carried out by the Food and Drug Administration. Such report shall assess the progress the Food and Drug Administration has made on—
(1) the development and implementation of a comprehensive information technology strategic plan, including the results-oriented goals, strategies, milestones, and performance measures identified in subsection (a)(1)(A);
(2) the extent to which the Food and Drug Administration has fulfilled recommendations of the Government Accountability Office with respect to such agency and information technology; and
SEC. 1126. NANOTECHNOLOGY.
(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall intensify and expand activities related to enhancing scientific knowledge regarding nanomaterials included or intended for inclusion in products regulated under the Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or other statutes administered by the Food and Drug Administration, to address issues relevant to the regulation of those products, including the potential toxicology of such nanomaterials, the potential benefit of new therapies derived from nanotechnology, the effects of such nanomaterials on biological systems, and the interface of such nanomaterials with biological systems.
(b) ACTIVITIES.—In conducting activities re-
lated to nanotechnology, the Secretary may—
(1) assess scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to the Food and Drug Administration;
(2) in cooperation with other Federal agen-
cies, develop and organize information using databases and models that will facilitate the identification of generalized principles and characteristics of the behavior of classes of nanomaterials with biological systems;
(3) promote Food and Drug Administration programs and participate in collaborative ef-
forts, to understand the science of novel properties of nanomaterials that might contribute to toxicity;
(4) promote and participate in collaborative efforts to further the understanding of measure-
ment and detection methods for nanomaterials;
(5) collect, synthesize, interpret, and dissemi-
nate scientific information and data related to the interactions of nanomaterials with biological systems;
(6) build scientific expertise on nanomaterials within the Food and Drug Administration, in-
cluding field and laboratory expertise, for moni-
toring the production and presence of nano-
materials in domestic and imported products regulated under this Act;
(7) ensure ongoing training, as well as dis-
semination of new information within the cen-
ters of the Food and Drug Administration, and
more broadly across the Food and Drug Admini-
stration, to ensure timely, informed consider-
aton of the most current science pertaining to nano-
materials; and
(8) carry out other activities that the Secre-
ty determines are necessary and consistent with the purposes described in paragraphs (1) through (7).
SEC. 1127. ONLINE PHARMACY REPORT TO CON-
GRESS.
Not later than 1 year after the date of enact-
ment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Com-
merce of the House of Representatives a report that describes any problems posed by pharmacy Internet Web sites that violate Federal or State law, including—
(1) the methods by which Internet Web sites are used to sell prescription drugs in violation of Federal or State law or established industry standards;
(2) the harmful health effects that patients ex-
perience when they consume prescription drugs purchased through such pharmacy Internet Web sites;
(3) efforts by the Federal Government and State and local governments to investigate and prosecute the owners or operators of pharmacy Internet Web sites, to address the threats such Web sites pose, and to protect patients;
(4) the level of success that Federal, State, and local governments have experienced in inv-
vestigating and prosecuting cases;
(5) whether the law, as in effect on the date
of the report, provides sufficient authorities to Federal, State, and local governments to inves-
tigate and prosecute the owners and operators of pharmacy Internet Web sites that violate Federal or State law or established industry stan-
dards;
(6) additional authorities that could assist Federal, State, and local governments in inves-
tigating and prosecuting the owners and opera-
tors of pharmacy Internet Web sites that violate Federal or State law or established industry stan-
dards;
(7) laws, policies, and activities that would allow the health and human services agen-
cies to distinguish pharmacy Internet Web sites that comply with Federal and State laws and established industry standards from those pharmacy Internet Web sites that do not comply with such laws and standards; and
(8) activities that private sector actors are tak-
ing to address the prevalence of illegitimate pharmacy Internet Web sites, and any policies to encourage further activities.
SEC. 1128. REPORT ON SMALL BUSINESSES.
Not later than 1 year after the date of enact-
ment of this Act, the Commissioner of Food and
Drugs shall submit a report to Congress that in-
cludes—
(1) a listing of and sufficient levels of all small businesses that are not the Food and Drug Adminis-
tration, including the small business liaison pro-
gram;
(2) the status of partnership efforts between the Food and Drug Administration and the
Small Business Administration; and
(3) a summary of outreach efforts to small businesses and small businesses of the agencies, in-
cluding availability of toll-free telephone help
lines.
(4) with respect to the program under the Or-
phan Drug Act (Public Law 97-414), the number of applications made by small businesses and number of applications approved for research and development of the number of receiving
protocol assistance for the development of drugs for rare diseases and disorders;
(5) the number of small businesses submitting applications and receiving grant applications from the Food and Drug Administration;
(6) the number of small businesses submitting applications and receiving approval for solicited grant applications from the Food and Drug
Administration; and
(7) bases for small businesses encounter in the drug and medical device approval process.
SEC. 1129. PROTECTIONS FOR THE COMMISS-
ioned Corps of the Public Health Service.
(a) IN GENERAL.—Section 221(a) of the Public
Health Service Act (42 U.S.C. 231a(a)) is amend-
ed by adding at the end the following:
"(18) Section 1034, Protected Communications;
Prohibition of Retaliatory Personnel Actions.",
(b) CONFORMING AMENDMENT.—Section 221(b) of the Public Health Service Act (42 U.S.C.
231a(b)) is amended by adding at the end the following:
"For purposes of paragraph (18) of subsection (a), the term ‘Inspector General’ in section 559A of such title 10 shall mean the Ins-
spector General of the Department of Health and Human Services.",
SEC. 1130. COMPENDIA APPROVAL PERIOD FOR RULE RELAT-
ATING TO NURSES' UNIFORMS.
In accordance with the final rule issued by the Commissioner of Food and Drug entitled "Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates" (77 Fed. Reg. 27591 (May 11, 2012)), a product subject to the final rule issued by the Commissioner entitled "Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use" (76 Fed. Reg. 35620 (June 17, 2011)) shall comply with such rule not later than—
(1) December 17, 2013, for products subject to such rule with annual sales of less than $25,000 and
(2) December 17, 2012, for all other products subject to such rule.
SEC. 1131. STRATEGIC INTEGRATED MANAGE-
MENT PLAN.
Not later than 1 year after the date of enact-
ment of this Act, the Secretary of Health and
Human Services shall submit to Congress a stra-
tegic integrated management plan for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health. Such strategic management plan shall—
(1) identify strategic institutional goals, prior-
ities, and mechanisms to achieve such goals, for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health;
(2) describe the actions the Secretary will take to recruit, retain, train, and continue to develop the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health to fulfill the public health mission of the Food and Drug Administra-
tion; and
(3) identify results-oriented, outcome-based measures that the Secretary will use to measure the progress of achieving the strategic goals, pri-
orities, and mechanisms identified under para-
graph (1) and the effectiveness of the actions
identified under paragraph (2), including metrics to ensure that managers and reviewers of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are familiar with and appropriately and consistently apply the requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 et seq.), including new requirements under parts 2, 3, 7, and 8 of subchapter C of title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379 et seq.).

SEC. 1132. ASSESSMENT AND MODIFICATION OF REMS.

(a) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—Section 505-1(g) (21 U.S.C. 355-1(g)) is amended—

(1) in paragraph (1), by striking “, or”; and
(2) in paragraph (3) by striking “for a drug shall include—” and all that follows and inserting the following: “(i) ensure the benefits of the drug outweigh the risks of the drug or 

(ii) minimize the burden on the health care delivery system of complying with the strategy.”; and

(C) by striking subparagraph (D) (2) and (3) in paragraph (3), by striking “for a drug shall include—” and all that follows and inserting the following “for a drug shall include, with respect to each goal included in the strategy, an assessment of the extent to which the approved strategy, including each element of the strategy, is meeting the goal or whether 1 or more such goals or such elements should be modified.”; and

and

(4) by amending paragraph (4) to read as follows: “(4) MODIFICATION.—

(A) ON INITIATIVE OF RESPONSIBLE PERSON.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the responsible person may, at any time, submit to the Secretary a proposal to modify the approved strategy. Such proposal may propose the addition, modification, or removal of any goal or element of the approved strategy, and the Center shall include an adequate rationale to support such proposed addition, modification, or removal of any goal or element of the strategy.

(B) IN INITIATIVE OF SECRETARY.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the Secretary may, at any time, require a responsible person to submit a proposed modification to the strategy within 120 days or within such reasonable time as the Secretary specifies, if the Secretary, in consultation with the offices described in subsection (c)(2), determines that 1 or more goals or such elements should be modified, or removed from the approved strategy to—

(i) prevent the success of the drug outweighing the risks of the drug; or 

(ii) minimize the burden on the health care delivery system of complying with the strategy.”; 

(b) REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS AND MODIFICATIONS OF APPROVED STRATEGIES.—Section 505-1(h) (21 U.S.C. 355-1(h)) is amended—

(1) in the subsection heading by inserting “AND MODIFICATIONS” after “REVIEW OF ASSESSMENTS”;

(2) in paragraph (1)—

(A) by inserting “and proposed modification to” after “under subsection (a)” and each assessment of such subparagraph; and

(B) by inserting “, and, if necessary, promptly initiate discussions with the responsible person about such proposed strategy, assessment, or modification” after “subsection (g)”;

(3) by striking paragraph (2); 

(4) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and

(5) in paragraph (2), as redesignated by paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—

(i) TIMEFRAME.—Unless the dispute resolution process described under paragraph (3) or (4) applies, and, except as provided in clause (ii) or clause (iii) below, the Secretary, in consultation with the offices described in subsection (c)(2), shall review the proposed risk evaluation and mitigation strategy for a drug or any proposed modification to any required strategy within 180 days of receipt of the proposed strategy or modification; 

(ii) MINOR MODIFICATIONS.—The Secretary shall review and act on a proposed minor modification, as defined by the Secretary in guidance, within 60 days of receipt of such modification.

(iii) REMS MODIFICATION DUE TO SAFETY LABEL CHANGES.—Not later than 60 days after the Secretary receives a proposed modification to an approved risk evaluation and mitigation strategy to conform the strategy to approved safety label changes, including safety labeling changes initiated by the sponsor in accordance with FDA regulatory requirements, or to a safety label change that the Secretary has directed the holder of the application to make pursuant to section 355(d), the Secretary shall review and act on such proposed modification to the approved strategy.

(iv) GUIDANCE.—The Secretary shall establish, through guidance, that responsible persons may implement certain modifications to an approved risk evaluation and mitigation strategy following notification to the Secretary,”; and

(B) by amending subparagraph (C) to read as follows:

“(C) PUBLIC AVAILABILITY.—Upon acting on a proposed risk evaluation and mitigation strategy or proposed modification to a risk evaluation and mitigation strategy under subparagraph (A), the Secretary shall make publicly available an action letter describing the actions taken by the Secretary under such subparagraph (A).”;

(b) in paragraph (4), as redesignated by paragraph (4)—

(A) in subparagraph (A)(i)—

(1) by striking “Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (2) have begun, the” and inserting “The”; and

(ii) by inserting “, after the sponsor is required to make a submission under subsection (a)(2) or (g),” before “request in writing”;

and

(B) in subparagraph (4)—

(i) by striking clauses (i) and (ii); and

(ii) by striking “, and” and

inserting “if the Secretary has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.”;

(7) in paragraph (5), as redesignated by paragraph (4)—

(A) in subparagraph (A), by striking “any of subparagraphs (B) through (D)” and inserting “subparagraph (B) or (C)”; and

(B) in subparagraph (C), by striking “paragraph (4) or (5)” and inserting “paragraph (3) or (4)”;

and

(B) in paragraph (8), as redesignated by paragraph (4)—

(1) by striking paragraph (7) and

(2) by inserting “and paragraphs (6) and (7)”; and

(c) DEFINITIONS.—For the purposes of this section, the terms “application” and “first applicant” mean application and first applicant, as such terms are used in section 505(i)(5)(D)(ii)(IV) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(5)(D)(ii)(IV)).

SEC. 1134. DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.

(a) IN GENERAL.—Section 505 (21 U.S.C. 355) is amended—

(A) by adding at the end the following:

“(a) DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.—The Secretary shall issue a final, substantive determination on a petition submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations (or any successor regulations), no later than 270 days after the date the petition is submitted.”; and

(b) by striking “section 314.161 of title 21, Code of Federal Regulations” and

inserting “section 314.161 of title 21, Code of Federal Regulations (or any successor regulations)”. 

SEC. 1135. FURTHER PROVISIONS RELATING TO PETITIONS AND CIVIL ACTIONS.

Section 505(i)(6)(A) (21 U.S.C. 355(i)(6)(A)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “subsection (b)” and inserting “subsection (b)(2)” and “subsection (b)(3)” of the Public Health Service Act’; and

(B) in subparagraph (F), by striking “180 days” and inserting “300 days”;

(2) in paragraph (2)—

(A) in the subparagraph heading, by striking “180” and inserting “300”;

and

(B) by striking “180-day and inserting “300-day”;

(3) in paragraph (4)—
(a) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(b) by striking ‘‘This subsection does not apply to—’’ and inserting the following: ‘‘(A) This subsection does not apply to—’’;

(c) by adding at the end the following: ‘‘(B) Paragraph (2) does not apply to a petition addressing issues concerning an application submitted pursuant to section 520(l) of the Public Health Service Act.’’; and

(d) by redesignating subsection (3) as subsection (4).

SEC. 1136. ELECTRONIC SUBMISSION OF APPLICATIONS.

Subchapter D of chapter VII (21 U.S.C. 379k et seq.) is amended by inserting after section 745 the following:

SEC. 745A. ELECTRONIC FORMAT FOR SUBMISSIONS.

‘‘(a) DRUGS AND BIOLOGICS.—

‘‘(1) IN GENERAL.—Beginning on or before the date of enactment of this Act, the Secretary may enter into agreements with any entity that provides an electronic format for regulatory submissions or electronic submission of applications as determined appropriate to enhance communication; and

‘‘(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.’’

(3) Exception.—This subsection shall not apply to submissions described in section 561.

(b) DEVICES.—

‘‘(1) IN GENERAL.—Beginning on the date of enactment of this Act, the Secretary may—

‘‘(A) provide standards for the electronic copy requirements under paragraph (1); and

‘‘(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.’’

SEC. 1177. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSIONS.

Subchapter E of chapter V (21 U.S.C. 350bb et seq.), as amended by section 1123 of this Act, is further amended by adding at the end the following:

SEC. 580C. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSIONS.

(a) In general.—The Secretary shall develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions, including—

‘‘(1) fostering participation of a representative patient who may serve as a special government employee in appropriate agency meetings with medical product sponsors and investigators; and

‘‘(2) exploring means to provide for identification of patient representatives who do not have any, or have minimal, financial interests in the medical products industry.

(b) Protection of Proprietary Information.—Nothing in this section shall be construed to alter the protections offered by laws, regulations, or policies governing disclosure of confidential commercial or trade secret information and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such laws, regulations, or policies govern such disclosure.

SEC. 1138. ENSURING ADEQUATE INFORMATION REGARDING PHARMACEUTICALS FOR SUBGROUPS, PARTICULARLY UNDERREPRESENTED SUBPOPULATIONS, INCLUDING RACIAL AND ETHNIC DISPARITIES.

(a) COMMUNICATION PLAN.—The Secretary of Health and Human Services (referred to in this section as the ‘‘Secretary’’), acting through the Commissioner of Food and Drugs, shall develop, review, and modify, as necessary, the Food and Drug Administration’s communication plan to inform and educate health care providers and patients on the safety and risks of medical products, with particular focus on underrepresented subpopulations, including racial subgroups.

(b) CONTENT.—The communication plan described under subsection (a) shall take into account—

‘‘(1) the goals and principles set forth in the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities issued by the Department of Health and Human Services;

‘‘(2) the nature of the medical product; and

‘‘(3) the extent to which the medical product, changes to the labeling of medical products, and health and disease information available from other sources within such Department, as well as any new means of communicating health and safety benefits and risks related to medical products, may affect the public health or protect the public health.’’

(3) shall include a process for implementation of any improvements or other modifications determined to be necessary.

(c) Issuance and Posting of Communication Plan.—

(1) Communication Plan.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue and post the electronic communication plan described under this section.

(2) Posting of Communication Plan on the Office of Minority Health Web Site.—The Secretary, acting through the Commissioner of Food and Drugs, shall publicly post the communication plan on the Internet Web site of the Office of Minority Health of the Food and Drug Administration or any other appropriate Internet Web site, and seek public comment on the communication plan.
in the Secretary has access to the most current expert advice.

(c) DISCLOSURE OF DETERMINATIONS AND CERTIFICATIONS.—Notwithstanding section 101(a)(7) of the Ethics in Government Act of 1978, the following shall apply:

(1) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but (except as provided in paragraph (2) of this subsection) not more than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet Web site of the Food and Drug Administration:

(A) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination or certification applies; and

(B) the reasons of the Secretary for such determination or certification, including, as appropriate, the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.

(2) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary not less than 60 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552a of title 5, United States Code) on the Internet Web site of the Food and Drug Administration, the information described in subparagraphs (A) and (B) of paragraph (1) as soon as practicable after the Secretary makes such determination or certification, but in no case later than the date of such meeting.

(3) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representa

(C) any recommendations for addressing challenges that impact interoperability of State prescription drug monitoring programs in order to reduce fraud, diversion, and abuse of prescription drugs; and

(D) an assessment of the extent to which providers are implementing prescription drug management programs in delivering care and preventing pre

section, and abuse of prescription drugs.

The Committee on Energy and Commerce of the House of Representa

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The committee shall disclose information described in subparagraph (A) as soon as practicable after the Secretary makes such determination or certification, but in no case later than the date of such meeting.

(1) IN GENERAL.—Not later than February 1 of each year, the Committee shall submit to the Senator, and the Committee on Appropria

(iii) relevant—

(1) PROFESSIONAL SOCIETIES; and

(2) MEDICAL SOCIETIES; and

(3) ACADEMIC ORGANIZATIONS; and

(4) GOVERNMENTAL ORGANIZATIONS; and

(5) IN GENERAL.—The Secretary shall—

(A) develop and implement strategies on ef

(B) an amendment to section 208 of title 18, United States Code for the purposes of participating in a particular matter.

(1) IN GENERAL.—Not later than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552a of title 5, United States Code) on the Internet Web site of the Food and Drug Administration—

(A) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination or certification applies; and

(B) the reasons of the Secretary for such determination or certification, including, as appropriate, the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.

(2) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary not less than 60 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552a of title 5, United States Code) on the Internet Web site of the Food and Drug Administration, the information described in subparagraphs (A) and (B) of paragraph (1) as soon as practicable after the Secretary makes such determination or certification, but in no case later than the date of such meeting.

(3) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Health and Human Services, the Committee on Appropriations, and the Committee on the Budget of the House of Representa

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(B) the reasons of the Secretary for such determination or certification, including, as appropriate, the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.

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(iii) 3-(1-naphthyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(iv) 1-(1-naphthyl)ethanone by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(B) Such term includes—

(i) 5-(1,1-dimethylethyl)-2-[(1R,3S)-3-hydroxy-4-cyclohexylethyl]-phenol (CP-47,497);

(ii) 5-(1,1-dimethylethyl)-2-[(1R,3S)-3-hydroxy-4-cyclohexylethyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthyl)indole (JWH-018 and AM678);

(iv) 1-buty1-3-(1-naphthyl)indole (JWH-073);

(v) 1-hexy1-3-(1-naphthyl)indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthyl)indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylethyl)indole (JWH-250);

(viii) 1-pentyl-3-(4-methoxynaphthyl)indole (JWH-081);

(ix) 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-200);

(x) 1-pentyl-3-(1-naphthoyl)indole (JWH-122);

(xi) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(xii) 1-(5-fluoropentyl)-3-(2-methoxyphenylethyl)indole (AM2201);

(xiii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM6694);

(xiv) 1-pentyl-3-[3-(4-methoxy-benzoyl)]indole (SR-19 and RCS-4);

(xv) 1-cyclohexylethyl-3-(2-methoxyphenylethyl)indole (SR-18 and RCS-8);

(xvi) 1-pentyl-3-(1-chlorophenylethyl)indole (JWH-203)."

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

“(10) 4-methylmethylmethcathinone (Mephedrone).

(15) 3,4-methylenedioxypyrovalerone (MDPV).

(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-B).

(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

(24) 2-(4-Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T).

(25) 2-(4-Iso-propylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T).

(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

(27) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).

(28) 2-(2,5-Dimethoxy-4-n-propylphenyl)ethanamine (2C-P)."

SEC. 1153. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking “one year” and inserting “2 years” and

(2) by striking “six months” and inserting “1 year”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. Upton) and the gentleman from California (Mr. Wexler) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

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

Mr. UPTON. I yield myself an additional minute.

Mr. Speaker, I want to thank Mr. Waxman, Chairmanarkin, Senator Enzi, and Members on both sides of the aisle in both the House and the Senate who played a role in this process. S. 3187 is a reflection of the hard work put in by both Members and staff, and of everyone’s willingness to put partisanship aside to look at the issues together. Because of that outstanding dedication, we have a bill today that will make a real difference in the lives of so many patients and provide much-needed support for innovators across our great country.

At the outset of this Congress, I set a goal of enacting this bill by the end of June—and here we are, well before the 30th expiration of this month—in order to provide certainty for American patients and innovators. I never lost confidence that we could deliver the bipartisan reforms we needed, and I am so proud that we will accomplish that goal.

Mr. Speaker, this is a jobs bill, and it’s a medical innovation bill. And as we put this package together, our goal was to improve the predictability, consistency, transparency, and efficiency of FDA regulation. These reforms will help get new treatments to patients more quickly. They will help us not only keep jobs in Michigan and all across the country, but also to create new ones. In order to get it right, we turned to patients, innovators, and job creators who put firsthand experience of how the current system is broken. And we included many of their suggestions in the bill.

This bill includes significant accountability and reform measures designed to hold the FDA responsible for its performance. The measure includes independent assessments of FDA’s drug and device review process. It also includes requiring quarterly reporting from the device center so we don’t have to wait a year to find out FDA’s progress. The bill is about patients, and that’s why so many patient advocates have spoken out in support of these reforms. Whether it is steps that we took to support treatments for rare diseases or mitigate drug shortages or speed up the approval of devices that will improve a patient’s quality of life, these steps are those that will make a real and significant difference.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

Today, the House considers a bill that represents a significant bipartisan and bicameral achievement.

On May 30 of this year, the House passed its user fee legislation by a dramatic vote of 397–5. That bill was a strong one, but through our collaborative process with the Senate, we have made it even better.

It has been a pleasure to work not only with Mr. Upton, Mr. Pitts, Mr. Waxman, and Mr. Dingell, among many involved House colleagues, but also with our Senate colleagues, Senators Harkin and Enzi.

When we began this process, there were divergent views on the various issues contained in this bill. But we worked together and found ways to bridge our differences in a fashion that protects patients and fosters innovation.

This legislation contains many provisions that are critical to the functioning of major parts of the FDA. We reauthorize the FDA’s drug and medical device user fee programs which will provide resources to enable the efficient review of applications and give patients rapid access to new therapies. We’re also reauthorizing two pediatric programs which foster the development and safe use of prescription drugs in children.

This year, we’re establishing two new programs to help the FDA speed up their review of new generics and biosimilars. These provisions illustrate our bipartisan commitment to ensuring a vibrant generic marketplace. All
of us will see the benefits when more low-cost generics are on the market.

One of the most important improvements to the House-passed bill is in the area of antibiotics. We accepted the Senate language that directs incentives for the development of antibiotics toward serious and life-threatening infections. This bill also includes provisions to modernize FDA’s authorities with respect to the drug supply chain. Today, 80 percent of active ingredients and bulk chemicals used in U.S. drugs come from abroad and 40 percent of finished drugs are manufactured abroad. FDA has been trying to keep pace with this increasingly globalized drug supply change using an outdated statute. This legislation will give the FDA critical new tools to police this dramatically different marketplace.

We have also worked to address the area of drug shortages, which is a complex and multifaceted problem, but this legislation takes some sensible first steps.

I want to thank my colleagues on both sides of the aisle and their staffs for the hard work they’ve put into making this a strong bipartisan bill. I particularly want to thank Mr. Pallone and Mr. Dingell’s staff members, Tiffany Guarascio and Kim Trzeckiak, as well as Mr. Upton and Mr. Pitts’ staff, Ryan Long and Clay Alspach.

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

Mr. WAXMAN. I yield myself an additional 30 seconds.

Warren Burke and Megan Renfrew have done tremendous work on this bill. I’d like to express my appreciation for their efforts. I want to thank my own staff: Karen Nelson, Rachel Sher, Eric Flamm, and Arun Patel.

The American public will benefit from the provisions of this bill. The FDA will have the resources to remain the gold standard for the future. This is an important bill, a good one. I urge its support.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. Barton).

(BarTONT OF Texas asked and was given permission to revise and extend his remarks.)

Mr. of Texas. I thank the distinguished chairman.

Mr. Speaker, I rise in strong support of this bill. When the American public asks, “Why can’t Congress just work together?” we should hold this bill up as Exhibit A that it is possible.

As the ranking member just pointed out, this is a bipartisan, bicameral preconference agreement for a very complicated bill. We reauthorize the Food and Drug Administration user fee program for 5 years. We also reauthorize the device user fee program for 5 years, and, I believe for the first time, do one for generic and biosimilars. This is a complicated, complex piece of legislation, but it has been worked out in a bipartisan agreement.

I have had some concerns about the extent and the cost of the user fees. I will continue to monitor that. Mr. Speaker, I support a number of elements of legislation. The chairman and ranking member and the subcommittee chairman and ranking member and all the others who have worked on this should be commended. This is an excellent bill, and I hope that the Congress will unanimously support it and the Senate will agree when we send it to the other body.

Mr. WAXMAN. Mr. Speaker, at this time, I’d like to invite a gentleman from New Jersey (Mr. Pallone), the ranking member of the Health Subcommittee, the subcommittee that was responsible for this legislation in its first instance.

I ask unanimous consent that Mr. Pallone be permitted to manage the rest of the time on our side of the aisle.

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

There was no objection.

Mr. Pallone. Thank you, Chairman Waxman.

I want to say I’m very proud to support this bill before us, which would reauthorize and revitalize a number of different programs at the FDA.

This bill really represents a great compromise between the House and the Senate and strikes the right balance by including strong provisions that will be good for both innovation and patient safety.

When we passed the House version of this bill, I spoke highly of a great cordial process, and I’m happy to be able to echo those sentiments again here today. This process should be a model for congressional bipartisan cooperation in the future. Not only did we all work so well together, staffs were able to reach agreement among the two Chambers’ versions of the bill in a matter of 2 weeks. That’s commendable. It’s a clear indication that Congress is certainly capable of greatness if we just allow ourselves to set politics aside and simply legislate.

I want to thank Chairman Upton and Ranking Member Waxman for your leadership. And to all the staff who worked around the clock—and of course particularly Tiffany Guarascio, who was my staff person—they were all dedicated to achieving a comprehensive and consensus product, and they’ve done just that.

The bill before us today provides the FDA with more than $6 billion over 5 years to pay for the timely and efficient reviews of medical products. Together, these agreements will ensure that Americans have access to safe and effective new medicines and medical devices. It will reduce the drug costs for consumers by speeding the approval of lower cost generic drugs with the establishment of a new user fee program for generic drugs and for lower cost versions of biotech drugs as well.

It also includes promising provisions that address the safety of the supply chain, help to foster the development and safe use of prescription drugs for children, increase efforts to address drug shortages, change conflict of interest rules so that the FDA has access to the best expertise on their advisory panels, and other provisions which are important to the public health of our Nation.

This bill is good for the FDA; it’s good for industry; it’s good for patients. I’m confident that the FDA has access to the best expertise on their advisory panels, and other provisions which are important to the public health of our Nation.

This bill will be commended. This is an excellent bill, and I’m proud to stand to strongly support this legislation.

This bipartisan agreement represents over 18 months of work from the Energy and Commerce Health Subcommittee, and I’m especially proud of the work of Ryan Long and Clay Alspach for their diligent and tireless efforts in helping to make this bill possible.

The FDA Safety and Innovation Act is critical to saving lives, improving regulatory operations, and sustaining a vital and dynamic American industry.

American companies are the leading developers of new medical devices and drugs to save and sustain life. To ensure that products are both safe and effective, we’ve tasked the Food and Drug Administration with reviewing products before they make their way into the market, and this is a critical responsibility.

The device and drug industries are dynamic and innovative. Companies spend hundreds of millions of dollars and years of research and work to develop products. The review stage is a critical time for any company. Inconsistent reviews mean that the true cost of developing new products is hidden, making it difficult to properly prepare.

When our Health Subcommittee began considering this legislation last year, we heard from a number of individuals about the increasing difficulty of working through the review process. American patients were waiting almost 1 year longer for new devices that had already been approved in Europe. And despite the slower U.S. review process, the safety outcomes were comparable.

The FDA Safety and Innovation Act contains important reforms to the Medical Device User Fee Act and will hold the FDA accountable and keep reviews on schedule. There are many reforms in this bill.

Finally, we include language to help patients and doctors and hospitals deal with drug shortages. Mr. Speaker, I’m
proud of the work we've done. I'm proud that we have such a bipartisan effort. I'd like to especially thank Ranking Member Frank Pallone and his staff for patiently working with us, for Mr. Dingell, Mr. Waxman. We've accomplished much with this legislation, and it will help save lives, create jobs—two goals that we can all agree on. Thanks to our chairman, Mr. Upton. Mr. Pallone. Mr. Speaker. I yield 3 minutes to our chairman emeritus, the gentleman from Michigan (Mr. Dingell), who worked so hard on this bill, particularly with regard to the safety provisions. (Mr. Dingell asked and was given permission to revise and extend his remarks.)

Mr. Dingell. Mr. Speaker, this is a good bill. I urge my colleagues to support it. I rise in strong support of it, and I urge my colleagues to join in.

This legislation enjoys broad bipartisan support on both sides of the Capitol and from industry and patient groups. We should also be proud of the work that the staff have done on this matter. I was pleased to work with them to include strong upstream drug supply chain provisions, something that's been a long priority of mine. I'm also proud of the work that my colleagues on the committee and the staff have done on this matter. It will help to get it done more timely. I would observe that it has been done because the Members worked together in the finest traditions of this body. And I'm also proud of the work that my colleagues on the committee and the staff have done on this matter. I was pleased to work with them to include strong upstream drug supply chain provisions, something that's been a long priority of mine. I'm also proud of the work that my colleagues on the committee and the staff have done on this matter. I was pleased to work with them to include strong upstream drug supply chain provisions, something that's been a long priority of mine. I'm also proud of the work that my colleagues on the committee and the staff have done on this matter. I was pleased to work with them to include strong upstream drug supply chain provisions, something that's been a long priority of mine.

Today, we are considering the Food and Drug Administration's Safety Innovation Act, and I urge my colleagues to support it. This bill reauthorizes Food and Drug Administration's user fee programs. The bill will allow industry to continue to partner in providing our physicians the tools they need to prevent and reduce human suffering. The legislation retains significant reforms that were made in our House bill and enhances other provisions, such as those on drug shortages. The bill will ensure that the Food and Drug Administration has the scientific and medical expertise they need when reviewing products utilizing emerging science, or for those populations with very rare diseases.

This bill will spur innovation for antibiotics, will help those with rare diseases, and be particularly helpful to the community of physicians that takes care of our pediatric cancer patients. The Food and Drug Administration is now required to notify Congress before issuing guidance regarding the regulation of laboratory-developed tests. I still believe we should strengthen and improve CLIA's oversight of laboratory-developed tests, instead of even contemplating any type of duplicative regulation.

The bill avoids provisions added by the other Chamber that I thought crossed the line into the practice of pandering and actually threatened patient treatment. It will address numerous other issues to enhance the work of the FDA, while correcting missteps of the Agency in such areas as public input, good guidance practices, and the manufacture of custom devices.

The process to this vote from the very beginning was respectful and resulted from hundreds of hours of negotiations. Chairman Upton, thank you, and Chairman Pitts, Ranking Members Waxman and Pallone. I specifically want to thank Ryan Long and Clay Alspach on the staff of the majority who sacrificed much to get this product to the floor today.

This vote is really about patients who will be served by the passage of this bill, and I urge its expeditious passage.

Ms. Pallone. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. Degette), who worked very hard on the drug shortage provisions of the legislation.

Ms. Degette. Mr. Speaker, I'm delighted to support this bipartisan legislation which addresses critical problems affecting the safety of drugs and medical devices in this country. There are several highlights I'd like to talk about, like Dr. Gingrey's incentives for antibiotic development, or the supply chain legislation that Mr. Dingell has worked on tirelessly for years.

But there's one issue that I've been working on for many years, and we've come closer to it. That's drug shortages. How can this be happening, and what can we do about it?

Representative Tom Rooney from Florida and I introduced the bipartisan Preserving Access to Life-Saving Medications Act, which eventually had 85 cosponsors. The bill creates an early warning system between the FDA, drug companies, and providers so a community can respond to a drug shortage quickly and efficiently. It won't solve the root problems of the drug shortage crisis, but it will help providers and doctors and hospitals identify those crises and help with the patient.

This February, for example, under a voluntary program, the FDA stepped in to allow for temporary emergency importation of the cancer drug Doxil, which was in shortage. And at the same time, the FDA prioritized the review of a new manufacturer of the same drug when the cancer drug went into shortage.

So what can our bill do is make this program mandatory. What we think it will do is it will help patients across the spectrum get the drugs they need. It will help the hospitals and the providers identify potential shortages, and it will help the manufacturers make sure that they get the drugs to the patients that need them. I'm thrilled that this is contained, and I want to thank the chairman.
Mr. STEARNS, my colleagues, this reauthorization of the FDA’s user fees will provide stability for the FDA’s new product review as companies submit new and innovative drugs, medical devices, and biologics for approval.

I am especially proud that my bill, the Faster Access to Specialized Treatments, H.R. 4132, FAST, was included in the FDA Reform Act. FAST modernizes the FDA’s accelerated approval pathway to reflect scientific developments that have occurred over the past 20 years. It provides funding for new drugs for people suffering from rare diseases. There are 30 million Americans suffering from one of over 7,000 rare diseases, but only 250 currently have any treatment. FAST will save lives.

I am pleased also that the bill includes the EXPERRT Act, H.R. 4156. This will help the FDA consult with medical experts when evaluating drugs designed for rare diseases, such as cystic fibrosis. As the co-founder of the Cystic Fibrosis Caucus, I am particularly focused on the clinical needs of Duchenne muscular dystrophy—the most common form of muscular dystrophy and the most common lethal genetic condition diagnosed in childhood. The Parent Project Muscular Dystrophy (PPMD) would like to express its deep gratitude for your efforts to include provisions of deep interest to the rare disease community in both the Food and Drug Administration Safety and Innovation Act. The final user fee reconciliation package between the House of Representatives and Senate includes a number of measures that will accelerate the Food and Drug Administration (FDA) process of reviewing potential therapies for serious life-threatening conditions like Duchenne, will ensure that the patient voice has a seat at the table when key decisions are made, and will incent industry to develop treatments for pediatric rare diseases.

As you know, Duchenne muscular dystrophy exemplifies the challenges faced by many patients and families afflicted by rare diseases. It is a fatal condition with most patients not living past their late 20s, and the only approved therapies are steroids, which cause significant complications long-term. With nearly 20 potential drugs in various stages of clinical trials, our community is hopeful that better times are ahead, and we recognize that a more efficient FDA attuned to the needs of the rare disease patient population is critical to our success. Again, we are most appreciative of your efforts to ensure that the above mentioned provisions were included in the final legislation. On behalf of Duchenne and the broader rare disease community, thank you for your leadership and support.

Sincerely,
PAT FURLONG, Founding President and CEO.

EVERYLIFE FOUNDATION FOR RARE DISEASES, Novato, CA, June 19, 2012.

HON. CLIFF STEARNS, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES STEARNS AND TOWNS: On behalf of the EveryLife Foundation for Rare Diseases and our 180 patient organization partners, thank you for championing the FAST Act which is included in The Food and Drug Administration Safety and Innovation Act. The inclusion of essential legislation will improve access to the Accelerated Approval pathway for rare diseases and spur the development of lifesaving treatments.

Currently, there are fewer than 400 approved treatments for 7,000 rare diseases affecting more than 30 million Americans. Of the newly approved treatments, the death sentence for these patients, many of whom are young children. The science exists for many of these diseases to be treated, and the addition of this legislation will provide a more predictable development and regulatory pathway to unlock the investment potential for rare disease treatments.

The language from the FAST Act will fix a “catch-22” that prevents very rare diseases and be available to patients. I support passage of the FDA Safety and Innovation Act.
from accessing the Accelerated Approval pathway. We applaud you both for your tremendous leadership in ensuring that this essential provision be included in the FDA user fee legislation. This provision provides the FDA the ability to utilize all the tools available to them to help bring new drugs to market to treat rare and ultra-rare diseases while maintaining and enforcing the agency’s strong safety and efficacy standards. Access to the Accelerated Approval pathway will significantly decrease the time and cost to develop a treatment and has been extremely successful in getting treatments approved for cancer and AIDS patients. Additionally, this provision has an added benefit of promoting private investment in the technology companies and job growth in the United States.

We thank you for your strong commitment to accelerating the delivery of safe and effective therapies to patients in need. We also would like to thank the more than 200 patient organizations including Parent Project Muscular Dystrophy, and the thousands of patient advocates who worked to support this legislation. Passage of this legislation is testament of perseverance of the rare disease community and the commitment of the Congress to promote the development of life-saving treatments.

Sincerely,

Emil Kakkis, President.

Mr. PALLONE. Mr. Speaker, I yield 1 ½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise today in strong support of the FDA Safety and Innovation Act. This bipartisan effort will improve the health and safety of the American people; and at the same time, it will support good jobs and innovation in the health care industry. I am especially pleased that this bill includes two provisions which I authored:

The first is modeled on my SAFE Devices Act, which will improve the post-market surveillance of medical devices and the implementation of the unique device identification program. The essential provision will allow us to identify potential device problems early, thereby protecting patients and identifying issues when they are easier and less costly to address.

The second provision I authored comes from my bipartisan HEART for Women Act, which the House has passed two times. It requires the FDA to report on the availability of new drug and device safety and efficacy data by sex, age, and racial and ethnic subgroups. Drugs and devices can have dissimilar effects among various populations, and this provision will help reduce substantial disparities in health care, especially for women and minorities.

So I thank the chairmen and ranking members for their leadership on the FDA Safety and Innovation Act and for their support of these two provisions. I urge my colleagues to support this bipartisan bill.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina, the vice chair of the Energy and Commerce Committee, Mrs. MYRICK.

Mrs. MYRICK. Thank you, Mr. Chairman.

The bill before us contains critical improvements to the current law. Among them is the creation of a priority review voucher program for companies that develop treatments for rare pediatric diseases. I am pleased with this and other advances.

Yet the long-term success or failure of crucial drug and device approvals depends on additional funding. Congress must appropriate funds and guidelines for the FDA. It also depends on instilling a culture at the FDA that seeks out practical solutions to the diseases that our constituents face. The FDA must recognize that patients, especially those with fatal illnesses, deserve to have potential treatments made available.

Whenever possible, the FDA should use all the tools it has available to appropriately warn doctors and patients of risks associated with treatments without removing patient access. Patients facing fatal diagnoses, whether it’s metastatic cancer, ALS or others, should be given the benefit of the doubt unless treatments are very risky. This should be a top priority of the FDA and not simply a consideration.

I urge the support of the bill.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me.

I rise in strong support of S. 3187, the Food and Drug Administration Safety and Innovation Act of 2012.

This is one of those rare occasions these days when Congress is working in a bipartisan manner to get good things done. This bipartisan, bicameral agreement is something of which we can all be proud; and it is a prime example of the good legislation that can be done by this body when compromises are accepted.

In particular, I would like to thank the chairmen and ranking members of the full Energy and Commerce Committee and of the Health Subcommittee for their hard work to finalize this bill in such a timely manner. I would also like to thank them for including the reauthorization of the Critical Path Public-Private Partnerships in this legislation, something for which I pushed for a long time so that needed improvements in regulatory science can continue.

I believe this bill will help meet the needs of the FDA industry and, most importantly, of the patients. I look forward to its passage.

Mr. UPTON. I yield 1 minute to the distinguished gentleman from Pennsylvania, Mr. MURPHY.

Mr. MURPHY. Mr. Speaker, what good are life-saving drugs if you can’t afford them?

That’s why real reform of the Nation’s health care system begins with promoting quality and affordability. I am especially pleased with moving forward because the FDA will finally have a system for bringing more life-saving generic drugs to market. Today’s bill authorizes the first generic drug user-fee program in order to expedite the approval of generics, which are only a fraction of the cost of brand-name drugs. Generic medications can save a patient $1,000 a year on medication alone, but it may well yield billions in savings when affordable generics are used to treat acute and chronic illness. Right now, consumers are spending millions, if not billions, more in out-of-pocket costs because the FDA doesn’t have the resources to tackle 2,800 generic applications awaiting review.

There will be fewer strokes, heart attacks, and cases of cardiovascular disease when this bill moves forward into law, and we will be assured the medicines our families take are of the highest quality. Under this bill, regulators will no longer be able to look past China’s history of tainted drugs, like the 2007 heparin scare that killed 200 people.

I would like to thank Congereesmen DINGELL and WAXMAN and Chairman UPTON for moving forward with this bipartisan bill. I urge its adoption.

Mr. PALLONE. Mr. Speaker, I inquire of how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from New Jersey has 6½ minutes remaining, and the gentleman from Michigan has 9 minutes remaining.

Mr. PALLONE. I now yield 1 ½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank you, Mr. PALLONE, for yielding the time, and I thank you so very much for your leadership on the Health Subcommittee. You do extraordinary work on our committee.

Mr. Speaker, I rise today in support of S. 2417, the amended version of the Food and Drug Administration Safety and Innovation Act. I strongly support this bill, and I am particularly pleased that the intent of H.R. 3069, the Creating Hope Act, sponsored by my good friend from Texas Mr. McCaul, and myself, was included in the final bill.

I am thrilled to highlight section 908, the Rare Pediatric Disease Priority Review Voucher Incentive program. The program will incentivize pharmaceutical companies to develop new drugs for children with rare pediatric diseases, such as childhood cancers and sickle cell disease, by expanding the cost-neutral priority review voucher program. Expanding the voucher program will allow pharmaceutical companies to expedite the FDA review of more profitable drugs in return for developing treatments for rare pediatric diseases. I think that is a good trade-off.

I would like to thank Mr. McCaul, Mr. WAXMAN, Mrs. MYRICK, and all of those who worked on the legislation bill with us. I want to thank our Senate colleagues, Messrs. CASEY and BROWN, for working diligently with me and our
colleagues to see to its inclusion. Finally, I want to recognize Nancy Goodman, with Kids Versus Cancer, who continues to be a tireless advocate for this issue.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from the committee, the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I stand in support of this bill.

I want to thank Chairman UPTON and the leadership on both sides of the aisle for getting together and doing what’s right for the American people.

In this time that we talk about economic strife, we’ve got to remember that the FDA can be a friend or an enemy of not only our health but also of our jobs and our economic opportunities. In California alone, Mr. Speaker, we have over 267 people working in the pharmaceutical industry.

We have over 42,000 just working in San Diego County.

This bill will not only help to protect jobs, but this bill is a bipartisan bill to save lives. What better message can we send to the American people than save lives. What better message can we send to the American people than achieve this?

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I would like to thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE and their staffs for their work in bringing the FDA Safety and Innovation Act to the floor today.

Passing this bill will allow the FDA to continue its critical mission of bringing safe and effective drugs and medical devices to the patients who need them. Reviewing drug and device applications has become increasingly challenging. Medical breakthroughs of today often target rare diseases or genetic subsets of those diseases. FDA reviewers must now assess a growing pipeline of very specialized treatments.

I’m pleased that this bill includes language I helped author to improve collaboration between FDA and external experts in rare diseases like cystic fibrosis and sickle cell disease.

The bill before us today also includes an important provision I helped author to ensure that the millions of Americans who are blind or visually impaired have safe and independent access to the information on prescription drug labels. No one should have to sacrifice their privacy or independence by accessing the vital information on these bottles, and I’m glad we’re taking steps to address that here today.

Finally, this bill helps increase the availability of pediatric medical devices and ensures that medications are tested and labeled appropriately for children. I was proud to work on these provisions with my colleagues, Congresswoman ESHOO and Congressman ROGERS.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY, a member of the committee.

The bill before us today also includes important reforms to reauthorize the Prescription Drug and Medical Device User Fee Act and authorize new user fee programs for generic drugs and biosimilars. The legislation also includes important reforms to grant patients improved access to new therapeutic innovations while promoting patient safety.

This bill will not only help to protect jobs, but it is also a darn good bill. And as a physician and a member of the Energy and Commerce Committee, I strongly support it.

As my colleagues have said on both sides, this bill protects patients and brings much needed certainty to the medical and bio-pharmaceutical industries. This is the way Congress should work.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a member of the committee.

Mr. LANCE. Thank you, Mr. Chairman.

I think, for all of us, for Chairman Emeritus DINGEL, the former chairman on our side of the aisle, Mr. BARRY, and everybody who crafted this bill, I thank all of you. Let’s all unanimously support this bill.

Mr. PALLONE. Mr. Speaker, I yield no additional speakers, so I will reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a member of the committee.

Mr. LANCE. Thank you, Mr. Chairman.

Mr. Speaker, such legislation will ensure that patients get improved access to innovative, lifesaving therapies and medical devices while protecting and creating U.S. jobs. This bill is critically important to New Jersey, where we have a high concentration of medical device, pharmaceutical, and life science employees.

I’m pleased that the conference report contains provisions important to streamline and modernize FDA regulations while promoting patient safety.

Mr. Speaker, I want to mention one particular aspect of the bill that I was very much involved in, and that’s this issue of antibiotic shortage. The bill as it stood alone was called the GAIN Act, and I had a tremendous amount of help on both sides of the aisle. On the Democratic side, there was Congresswoman ESHOO, Congresswoman DEGETTE, and Congressman GENE GREEN. On the side of the aisle, there was Mr. MIKE ROGERS of Michigan, Mr. SHIMkus, and Mr. WHITFIELD. What we do with that portion of the bill is to provide an opportunity for the manufacturers of antibiotics to have an additional 5 years of exclusivity so they can bring these innovative fifth- and sixth-generation antibiotics to the market and still have an opportunity to recoup the investment and the expense of doing so.

I want to just say to my colleagues on both sides of the aisle, it’s a proud day, I think, for all of us, for Chairman Emeritus DINGELL, the former chairman on our side of the aisle, Mr. BARRY, and everybody who crafted this bill. I thank all of you. Let’s all unanimously support this bill.

Mr. PALLONE. Mr. Speaker, I yield no additional speakers, so I will reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a member of the committee.

Mr. LANCE. Thank you, Mr. Chairman.

I appreciate the gentleman for yielding.

I rise today in support of the legislation to reauthorize the Prescription Drug and Medical Device User Fee Act and authorize new user fee programs for generic drugs and biosimilars. The legislation also includes important reforms to grant patients improved access to new therapeutic innovations and promotes innovation and job creation.

Jobs and the economy are top issues for most Americans, and this bill focuses on that. As a manufacturer, I’ve heard many stories from many device manufacturers across the country about problems they face with the FDA and how those struggles are making it harder for them to manufacture in America.

This bill includes important changes, including one that I championed, to reform the FDA’s guidance process that will inject certainty into the process and create more American jobs.
This bill is an example of working in a bipartisan way to achieve a quality product that creates jobs. I thank the chairman and the ranking member for their work. And, Mr. Speaker, I urge my colleagues to support this bill.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The gentleman from New Jersey has 3 minutes remaining, and the gentleman from Michigan has 4 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. Moran).

Mr. Moran. Mr. Speaker, I don’t oppose the bill, but I do have concerns about one element of this bill, and that is the provision that affects whistleblowers in the Public Health Service.

The law that would apply to these employees is that of the military, the Defense Department, which, frankly, is weaker than that which applies to protecting whistleblowers who are in the civil sector of whistleblowers.

I do think protection of whistleblowers needs to be a priority. In this case, I would hope that we could work in subsequent legislation to protect the rights of whistleblowers who are essential to the ability to do our job, as well as those people in the executive branch. I just wanted to make note of that point.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. Bass), a member of the committee.

Mr. Bass of New Hampshire. I thank the distinguished chairman of the committee for recognizing me for 1 minute.

Mr. Speaker, I rise in strong support of the Food and Drug Administration Safety and Innovation Act.

The user fee process at the FDA is a vital component in maintaining operations at the FDA to bring valuable drugs and devices through the approval pathway and to market. I am optimistic that, with the enhanced financial incentives and resources available to the FDA included in the user fee agreements, we will see shorter approval times and more products available to patients.

Throughout this process, there has been a commitment to addressing the unique issues associated with the rare disease community and bringing it to the forefront of this debate. And I am proud to have had my bill, the Humanitarian Device Reform Act, included as a provision in this device regulatory section. This language will make it easier for medical device manufacturers to create devices specifically for the treatment of individuals, both children and adults, who are afflicted with very rare diseases.

With this increased focus on providing incentives to manufacturers to invest in development of these devices and drugs, it can be an attainable goal for an individual and family affected by rare diseases to not only improve the quality of life but possibly even find a cure.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. Paulsen).

Mr. Paulsen. Mr. Speaker, I want to applaud, first of all, the chairman, the subcommittee chairman, and the ranking members for their leadership in bringing this bipartisan package to the floor.

Mr. Speaker, nearly every week, I get a chance to tour a medical device company in my district. And almost every week, I hear a similar story from these companies that talk about how the FDA has become so burdensome and bureaucratic and inefficient that they move the goalline in the process of the device approval process. As a result, some of these companies are closing their doors. Some of these companies are investing overseas and moving jobs, as opposed to keeping them in their home State of Minnesota or here in the United States.

Unfortunately, it seems that Washington tends to thrive on these types of bureaucratic inefficiencies. And I think the package that is before us today is designed to help correct that. The FDA review process needs to be rigorous, but it also needs to be relevant. You have heard that message time and time again: We have to find ways to streamline and modernize the FDA so that the United States can remain the leader in global medical innovation.

This package absolutely moves us closer to meeting all of those goals. These reforms will make the device approval process much more transparent, much more consistent, and much more predictable. And specifically, I’m happy that my provisions to streamline the third-party review process were included as well.

I want to thank the chairman and Members for their bipartisan support, and I urge the support of my colleagues.

Mr. UPTON. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New Jersey has 2 minutes remaining.

Mr. UPTON. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New Jersey has 2½ minutes remaining.

Mr. UPTON. Mr. Speaker, I have no further requests for time. So if the gentleman wants to close, then I will close.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2½ minutes.

Mr. PALLONE. Thank you, Mr. Speaker. I won’t use all the time.

I just want to stress, again, that the process of getting this bill passed and the package that we have here has been just a great model, if you will, for what we can do when we want to get together and work together on a bipartisan, bicameral basis. So I can’t say enough about everyone who was involved on both sides of the aisle and staff for making this happen today.

I also want to reiterate some of the things that some of my colleagues have said about how important this is. Because it’s on a suspension, some people may say, Well, how important is it? It’s extremely important. And some of those sentiments have been echoed by those who talk about the drug and medical device industry, which is really important to the United States.

We pride ourselves on innovation. As some of you know, many of these companies are in my district. And we pride ourselves on the fact that Thomas Edison had his lab at Menlo Park, in my district, and that we have made an active area in New Jersey, and New Jersey as a whole. But innovation can’t continue to happen in this industry unless we continue to have an FDA process that runs smoothly and effectively.

The fact of the matter is that this legislation is designed to make sure that that continues to happen, that the money is available so we can have an efficient process that continues to make the United States the innovator of pharmaceuticals and medical devices.

I’m very proud to have been part of this today. I urge everyone to support the bill. I thank my colleagues.

I yield back the balance of my time.

Mr. UPTON. Thank you, Mr. Speaker.

Mr. Speaker, I just want to say that with all of the positive comments here, this bill was not a piece of cake. There was a lot of hard work on both sides of the aisle, particularly by the staff on both sides of the aisle. Again, I want to cite Clay and Ryan on our staff.

But let’s face it: All of us particularly involved on the health side of the issues, as we meet with different folks afflicted with different diseases, we want to find a cure. And it would be great to find that cure here in America because we have our pharmaceutical industries that have the talent and the staff to work with the different departments, whether it be the NIH, the CDC, certainly the FDA.

So we really did set out last summer to embark on a good listening session to find out what it is that we needed to do not only to find the cures and the prescriptions but the right process for them to be approved so that those companies that are willing to make that investment would stay in America and not go overseas. Because we really do want it made in America. We have the best folks here. And that’s what this bill does.

The hard work in so many of the hearings that Joe Pitts led with Mr. Pallone, the work on the amendments, the subcommittee, the full committee, that whole process to get it done before it really expired later on this year is so important not only to the workers but, more importantly, to the patients and those who talk about the drug and medical device industry, which is really important to this country.

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into what I think is a mighty fine, strong bill. And to then, of course, work with our counterparts in the Senate, whom we often bash here, but they actually stayed with us, and we were able to work in a very strong bipartisan way to get our two bills refined and done in order to bring up on the House floor this afternoon.

I want to compliment everyone—and certainly Mr. WAXMAN, who is back on the floor—our leadership, the team that led, on both sides of the aisle and, again, our hardworking staff that really worked so hard to get this done, which impacts millions of lives.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I support the passage of the Food and Drug Administration Safety and Innovation Act and particularly the provisions related to synthetic drugs.

I introduced H.R. 1254, the Synthetic Drug Control Act, after the issue of synthetic or designer drugs was first brought to my attention by a constituent whose son had been abusing legal substitutes for marijuana.

H.R. 1254 passed the House by a strong, bipartisan vote of 317 to 98 this past December.

After months of hard work, I am glad to see that similar language has been included in the House Amendment to the Senate-passed FDA reform bill. I would like to thank Chairman UPTON and his diligent efforts in advancing this legislation.

This legislation will finally add a long list of dangerous drugs to Schedule I of the Controlled Substances Act.

It covers synthetic cannabinoids, which affect the brain in a manner similar to marijuana but can actually be even more harmful, as well as many of the chemicals used in so-called ‘‘bath salts,’’ which have properties similar to cocaine, methamphetamine, LSD, and other hard street drugs.

It will also double the amount of time that DEA may temporarily ban a new substance while working to prove that the drug in question should be banned permanently.

As we speak, the proliferators of these deadly chemicals are working on new formulas to circumvent Federal law.

This additional time will enhance DEA’s ability to combat new and emerging substances.

This legislation is especially timely given the recent reports of inhuman and psychotic acts committed by individuals high on bath salts.

Last month, we all heard the horrifying story of a Miami man who striped naked, assaulted another individual, and chewed his face off before being shot dead by the police.

Last year, a man in my district was arrested after injecting himself with bath salts and firing a gun out of his window in a university neighborhood. He later attributed his actions to a drug-induced state of paranoia.

Poison control centers nationwide have reported exponential increases in calls related to synthetic drugs, and far too many deaths have been reported both by the Pennsylvania Department of Health and the Psychiatric behavior that the drugs induce.

For the inclusion of this important public safety language and for the many ways this legislation will spur economic growth and medical innovation, I urge all of my colleagues to vote in favor of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, S. 3187, as amended.

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

A motion to reconsider was laid on the table.

□ 1520

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. MCKINLEY. Mr. Speaker, I have a motion at the desk.

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

The Clerk reads as follows:

Mr. MCKINLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on the provisions contained in title V of the House bill (relating to coal combustion residuals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Speaker, I yield myself 7 minutes.

Concrete is a fundamental element of roads, bridges, and infrastructure projects, and an important element of the coal ash provision. The final bill has restored coal ash provisions in the House bill. It is not a bad provision. It is a good provision. It helps the coal industry, which impacts millions of lives.

For those who say coal ash is irrelevant to roads and bridges, they couldn’t be further from the truth. Concrete suppliers have been incorporating coal ash into concrete mixtures since the construction of the Hoover Dam over 80 years ago. Without coal ash, the cost of construction projects would increase by billions of dollars, according to the American Road and Transportation Builders Association, thereby reducing the amount of money available for roads and bridges and infrastructure in America.

Keep in mind, less construction results in fewer jobs. By retaining this bipartisan section of the highway bill, Congress will be also protecting the 316,000 jobs that are at stake in the recycling of fly ash—jobs involving concrete block, brick, drywall, ceramic tile, bowling balls, and even in the cosmetics industry. For those who have been asking where the jobs bills are, this is a jobs bill.

Among the supporters of this language are the Chamber of Commerce, the National Association of Manufacturers, the International Brotherhood of Electrical Workers, the United Mine Workers, the United Transportation Union, the American Road and Transportation Builders Association, the International Brotherhood of Boilermakers, and the AFL-CIO’s building and construction trades.
Consider these quotes, Mr. Speaker:

"Removing coal ash from the supply chain could increase the price of concrete by an average of 10 percent," according to the National Association of Homebuilders.

According to the National Association of Manufacturers:

"Coal ash contributes $6-$11 billion annually to the U.S. economy through revenues from sales for beneficial use, avoided cost of disposal, and savings from use as sustainable building materials."

Mr. Speaker, currently 60 million tons of coal ash is recycled annually. According to EPA's own data, coal ash replaces between 15 and 30 percent of the Portland cement used in concrete. The EPA has noted that the use of coal ash in concrete has resulted in saving as much as 25 million tons of greenhouse gas emissions annually and as much as 54 million barrels of oil. The EPA has indicated the annual financial benefits of coal ash as a substitute for Portland cement contributes nearly $5 billion in energy savings, $41 billion in water savings, $240 million in emission reductions, and nearly $18 billion in nongreenhouse gas-related pollution. The EPA itself states that coal ash leads to "better road performance."

Two studies, one in 1993 and another in 2000, both under the Clinton administration's EPA, found that coal ash did not warrant the regulations being pushed by the Obama administration. In 2005, the EPA, the Federal Highway Administration, and the Department of Energy collaborated with the private sector to craft guidance on the appropriate uses and benefits of coal ash in highway construction.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Authorizing the surface transportation programs is important for communities across the country. It will help revitalize our transportation infrastructure and will create jobs. The Transportation Conference Committee must work together to finalize a conference report as soon as possible to get people back to work.

The Senate worked in a bipartisan manner to develop a strong bill that will create jobs and help the economy. They focused on the core issues, resisting the temptation to attach side issues to this important legislation. Unfortunately, the transportation bill is now being jeopardized by extraneous and antienvironmental provisions being pushed by Republicans in the House.

Instead of working to come to agreement on important transportation policy provisions, House Republicans are holding the bill hostage for a legislative earmark for the Keystone XL tar sands pipeline, provisions that steamroll environmental review of projects, and the McKinley coal ash bill that eliminates existing authority to protect human health and the environment from the risks posed by unsafe disposal of coal ash. This motion to instruct is the latest effort to push these positions. It would instruct the transportation conferees to insist the McKinley coal ash bill in the transportation bill.

But the McKinley coal ash proposal is extraneous. If we do nothing on the transportation bill to address coal ash disposal, then coal ash will continue to be available for use in concrete for transportation projects just as it is today. Current Federal regulations do not restrict the use of coal ash in concrete. And counter to what you may hear today, EPA has not proposed to regulate such beneficial uses.

Although some may suggest that recycling of coal ash will decrease because of stigma, experience has shown that when waste materials are regulated, as EPA has proposed to do for coal ash, the rates of recycling and reuse increase. This has happened with other regulated wastes, and it has happened with coal ash in Wisconsin, which has a robust regulatory scheme. There's a very simple reason for this: Disposal in unsafe pits is inexpensive but environmentally dangerous. When reasonable environmental safeguards are put in place, the cost of disposal will increase. That makes alternatives like using coal ash in concrete more attractive.

The coal ash legislation that this motion seeks to include will not ensure the safe disposal of coal ash. It will not prevent coal ash impoundments from catastrophically failing. It will not protect against significant environmental and economic damage. And it will not prevent contamination of public drinking water systems.

The McKinley coal ash bill will not stop another spill like we saw in Kingston, air pollution like we have seen in Gambrell, Maryland, water pollution like we have seen nationwide.

Mr. SHIMKUS. Mr. Speaker, it is my understanding that the Senate transportation conferees have made every effort to insist on the McKinley coal ash bill in the final conference report.

Mr. Speaker, I yield myself 3 minutes to my colleague from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, it is great to be down here.

This is why this provision of this bill is so important to the highway bill. Here it is: Fly ash concrete, fly ash, lighter, more durable.

I have two documents I brought to the floor. The second one reads in the acknowledgments:

This document was prepared by the U.S. EPA in cooperation with the following agencies and associations: Department of Energy, Federal Highway Administration, American Coal Ash Association, and the Utility Solid Waste Activities Group.

What is interesting about these two books, one published in June 2003, the other one published in 2005, is they go through all of the great uses of fly ash in construction, and I would like to read just a few of those.

Here's one: "Fly ash improves workability for pavement of concrete."

Remember, a DOT book, EPA approved, DOE approved.

The next one has: "Fly ash concrete is used in severe exposure applications such as the deck of TAMPA Bay's Sunshine Skyway Bridge."

Nice photo here, beautiful bridge. So this is not new. This is reaffirming what the construction industry has been doing for decades. And actually in this other pamphlet, I'll talk about even greater use.

Here's another one: "Fly ash concrete finishing."

Again, this is a Federal Highway Administration book, Department of Energy book, sponsored by the U.S. EPA, all saying good things about fly ash in road construction.

"Full-depth reclaimation of a bituminous road."

Another one: "Flowable fill used in a utility trench application," all dealing with fly ash.

"Fly Ash in Structural Fills and Embankments": a nice photo of them using that in the construction sector. Also, "Soil Stabilization to Improve Soil Strength," all using fly ash applications.

We have a highway bill, and that's why this provision is very, very important; because if the EPA has its way and they label fly ash as toxic, guess what, no more flex concrete, no more use of buildings that have fly ash applications.

This is one of my favorite ones: "Use of Ash in Construction Through the Ages. In ancient times, the Romans added volcanic ash to concrete to strengthen structures such as the Roman Pantheon and the Coliseum—both of which still stand today."

"The first major use of coal fly ash in concrete in the United States occurred in 1942 to repair a tunnel spillway at the Hoover Dam."

"One of the most impressive concrete structures in the country, the Hungry Horse Dam near Glacier National Park in Montana, was constructed from 1948..."
to 1952, with concrete containing—
you guessed it—‘fly ash.’

We’re in Washington, D.C.

Mr. MCKINLEY. I yield the gentle-
man an additional 30 seconds—with—you guessed it—‘fly ash’ and concrete.

Mr. SHIMKUS. One of the great things we see here, ‘In Washington, D.C., both the metropolitan area subway system (Metro) and the new Ronald Reagan Building and International Trade Center built with it—you guessed it—fly ash and concrete.’

‘Other significant structures utilizing coal fly ash in concrete include the ‘Big Dig’ in Boston and the decks and piers of Tampa Bay’s Sunshine Skyway Bridge.’

That’s why this is applicable to the highway bill. I commend my colleague.

Mr. WAXMAN. Mr. Speaker, at this time I’d like to yield 5 minutes to the gentleman from Illinois (Mr. Rush), the ranking member of the Energy Subcommittee.

Mr. RUSH. Mr. Speaker, I want to thank the ranking member on the Energy and Commerce Committee and let him know how much I appreciate not only his leadership on other issues, but particularly his leadership on this issue here.

Mr. Speaker, I stand here astounded, amazed, and bemused at the remarks of the past speaker. You know, he wants the American public to be convinced that fly ash is as healthy to them as it can be and that they should, in fact, maybe go out and go to their local drugstore and ask for a bottle of fly ash so they can sprinkle it over their dinner meal as they would maybe a salad dressing. I don’t think that the American people would be pleased with that.

Mr. Speaker, I stand in strong oppo-
tion to this motion to instruct. At a time when we are facing historic levels of joblessness in communities around the country, in the African American communities and other minority communities, Republicans are playing chicken with the transportation bill, which is intended to provide American jobs and repair our aging infrastructure. It is not to further the contami-
nation of the water supplies, the air supplies in our most vulnerable communities, so why don’t we stop the char-
ade. Why don’t we stop the asthmatic assault on the most vulnerable segments, the most vulnerable communities in our Nation.

This motion to instruct contains a deadly and dangerous provision that would only allow more poison, more disease, and more death from one of our Nation’s biggest waste products—the deadly, cancerous coal ash that’s under discussion today.

Coal ash. I want to remind you, is a waste leftover after thousands of tons of coal are burned at coal-fired power plants, is it is leached over into bot-
tom with toxins such as mercury, ar-
senic, cadmium, chromium, and lead. These are pollutants that cause cancer, that cause organ disease, breathing problems, neurological damage, develop-
mental problems, and even the final problem, which is death.

Mr. Speaker, title V of H.R. 4348 gives companies an unprecedented abil-
ity to pollute under the Resource Con-
servation and Recovery Act, even though the EPA, the Environmental Protection Agency, found some coal ash ponds pose a 1-in-50 risk of cancer related to residents drinking arsenic- contaminated water, a risk that is 2,000 times the EPA’s regulatory goal.

Dangerous coal ash disposal affects thousands of U.S. communities, but re-
search informs us that income and race remain strong predictors of the amount of pollution that Americans face. The majority of coal ash is disposed in grossly inadequate dumpsites, which are primarily located in low-income communities, disproportionately im-
Pausing those who are least equipped to respond to water contamination and the onslaught of toxic dust in the air.

Mr. Speaker, low-income citizens are more likely to rely on groundwater supplies, and less likely to have access to medical insurance and health care.

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

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

Mr. RUSH. Mr. Speaker, title V of H.R. 4348 fails to protect communities and their drinking water from toxic coal ash or from another messy spill like the disaster that occurred in King-

Mr. Speaker, let me conclude by say-
ing that my State alone produces 4.4 million tons of coal ash annually, and at least 19 coal ash dumpsites have contaminated local water supplies. Ad-
ditionally, each and every day a steam-
 fired steamship, the SS Budger, dumps 4 tons of coal ash into Lake Michigan, my beloved city of Chicago’s primary water supply system.

I urge all of my colleagues to vote against the motion to instruct.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Penn-
sylvania (Mr. Holden).

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the gentleman from West Virginia’s motion to instruct conferees to resolve the coal ash pr

Mr. RUSH. Mr. Speaker, the report of the gentleman from West Virginia is proposing

The bill my colleague seeks to in-
clude in the surface transportation authorization bill.

The bill my colleague seeks to in-
cclude in the surface transportation bill.

Mr. Speaker, I urge passage of the gentleman’s motion to instruct.

Mr. WAXMAN. Mr. Speaker, at this time I yield 5 minutes to the gentle-
man from Virginia (Mr. Moran).

Mr. MORAN. I thank the very distin-
guished gentleman, the ranking mem-
ber on Energy and Commerce.

Mr. Speaker, I rise in opposition to this motion to instruct conferees to in-
clude the Coal Residuals and Reuse Management Act into any final con-
ference agreement on the surface transportation authorization bill.

The bill my colleague seeks to in-
clude in the surface transportation bill is bad policy. It has nothing to do with transportation, and it would place communities living downstream from coal ash ponds in real danger.

When properly recycled, coal ash and other residuals from burning coal do have economic value—that’s not the issue here, but managed improperly, they can be extremely hazardous. Coal ash shouldn’t be dumped in unregulated ponds to contaminate water and spill into nearby streams and rivers.

In 2008, as Mr. Rush pointed to, the Kingston fossil plant in Tennessee failed to properly maintain its coal ash impoundment pond. The pond col-

densed water, it killed the fish, and it destroyed property. The cleanup cost is still being assessed, but it’s estimated to cost between $700 million and $1 billion. The motion my col-
league from West Virginia is proposing

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would prevent EPA from setting standards for this type of coal ash dump, allowing these problems to continue unchecked.

We need to preserve the Environmental Protection Agency’s authority to advance regulations that discourage improper disposal of coal ash and encourage recycling. Every year, coal-fired power plants and industrial boilers in the United States generate about 67 million tons of coal ash and slag and about 19 million tons of coal sludge.

What is at play here is bottom ash and flue gas desulfurization mineral, and boiler slag all have a number of beneficial uses: in concrete, road, wallboard, and roofing, they also contain heavy metals—including lead, arsenic, cadmium, and mercury, as well as radioactive elements. These hazardous components dictate that we must be careful in the handling, use, reuse, and disposal of the material.

Contrary to much of the publicity surrounding the coal ash issue, EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulatory regimes to encourage recycling and reduce improper disposal. EPA wants to ensure that coal ash reuse is preserved while guaranteeing that any disposal is done safely and effectively.

EPA’s proposed rules received extensive public involvement, including thousands of public comments and eight public hearings around the country. The Resource Conservation and Recovery Act is designed to deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that were received after the rule’s proposal. It would also give a free pass to power companies to pollute at taxpayer expense.

Coal ash is a national, interstate issue and should be subject to Federal regulation. As Congress stated when passing the Resource Conservation and Recovery Act:

The problems of waste disposal have become a matter national in scope and in concern and necessitate Federal action. Disposal of solid waste and hazardous waste in on or on the land without careful planning and management can present a danger to human health and the environment.

That was true in 1976, and 30 years later it’s still true. In the years since, we have found that proper regulation of waste disposal encourages rather than discourages recycling. Implementing environmental and safety controls makes recycling far more attractive and far more likely to occur. Thirty years of data on solid and hazardous waste disposal and recycling have borne this out. Let’s not revisit the Wild West past of hazardous waste disposal.

We need to stand up for the same principles Congress stated in the Resource Conservation and Recovery Act over 30 years ago. That’s why I strongly urge my colleagues to oppose the McKinley motion. Prevent more Kingston ash impoundment disasters; they will be replicated, and it will be our fault. We need to allow EPA to regulate responsibly and to allow the beneficial use of coal ash.

Mr. MCKINLEY. Mr. Speaker, I might suggest, with all due respect, I think that those who are opposing this amendment, Mr. Speaker, I would encourage them to read the bill.

Mr. Speaker, I yield 2 minutes to my friend and colleague from wild, wonderful West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I want to thank my colleague from West Virginia (Mr. MCKINLEY) for his solid work on this issue.

I want to say to my colleague from California, who said that this issue is going to hold the transportation conference bill hostage, it’s absolutely not a fair statement. I’m on the transportation conference committee. We’re working day and night, in a bicameral, bipartisan way, to reach a compromise on a jobs bill, and this coal ash provision is very important.

Many Americans are unfamiliar with this, but 40 percent is used as raw material to build our highways and our bridges.

I was just visiting the Sutton Dam in Braxton County in West Virginia. My colleague talks about the Hoover Dam. We celebrated its 50-year birthday of its construction. It’s built with coal ash, and it’s just as effective today as it was 50 years ago. It is an essential and safe material to be used in our infrastructure.

According to the American Road and Transportation Builders Association, if we don’t use coal ash in bridge and road construction, the costs would increase over $100 billion over 20 years. We simply can’t afford this.

Let’s be smart about this. We can find the way, and we’ve known the way, as the Sutton Dam and the Hoover Dam have shown us. I think we can find a way to safely reduce the costs of construction in our roads and bridges by using coal ash.

We have unemployment of over 8 percent for 30 consecutive months. We need a transportation bill. We need a smart transportation bill that’s going to put America back to work and rebuild our infrastructure.

Mr. MCKINLEY’s legislation, and this motion, takes the right approach by giving the States the authority to deal with this. I hope my fellow conference will work to ensure that this important provision remains in the bill, that we pass the gentleman’s motion to include construction in our transportation bill and to us passing the transportation bill, and I look forward to seeing that bill on the floor in a bipartisan way.

Mr. WAXMAN. Mr. Speaker, I’m pleased at this time to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Today marks the summer solstice, the longest day of the year. Instead of spending the daylight hours passing a clean transportation bill that will help shore up real jobs for Americans, the Congress will be spending the day repealing public health protections and giving away nearly all of our public lands to oil and gas companies in the culmination of the Republican majority’s Oil Above All agenda. It is really a Midsummer’s Nightmare for the American people.

But before we get to voting on the Republican oil package, we get to debate whether another Republican bill, whose sole premise is to prevent EPA from following the scientific evidence, will be included in the Transportation bill.

This bill says that no matter what EPA learns about the sludge that comes out of coal-fired power plants, only wish to embrace the principal energy source of the 19th century; they also wish to return us to the 19th-century principles about public health and the environment regarding arsenic and mercury and their danger to the citizens of our country.

Now, there are good uses for coal ash, beneficial uses. It can be used to construct highways and shingles. That’s good. It can be mixed into concrete and grout. That’s good.

But what we don’t want is for the industry to be able to use it to construct a golf course, like what they did in Battlefiled, Virginia, because it can directly contaminate the groundwater. It can contaminate and cause injury and cancers in the neighbors of that golf course.

We also don’t want it to be disposed of in pits that aren’t sealed to handle this special waste, like what happened in a golf course whose golf pit collapsed, engulfing an entire small town in toxic sludge. We should have regulations to protect against that ever happening in our country again.

This is exactly what this bill, the Republican bill, will do. It will blast us back into the past and allow coal ash to be disposed of without proper construction or monitoring.
At the end of this month, transit and highway funding will expire, hundreds of thousands of jobs are at stake, and our transportation infrastructure will be in peril. Even Senate Republicans have recognized the dangers inherent in allowing this to occur and have joined with Senate Democrats to draft a bipartisan bill so we can put people back to work using coal ash in the highways of our country.

But in spite of this, the House Republicans are insisting that unrelated and unnecessary provisions designed to protect Big Oil and Big Coal. Instead of allowing the coal industry and Republicans to transport our country’s environmental and public health standards back to the era of Charles Dickens, we should be holding them to higher expectations for the 21st century, for the public health and well-being of our people.

I urge a “no” vote on this preposterous Republican initiative.

Mr. MCKINLEY. Mr. Speaker, I yield to the gentleman from Ohio (Mr. RENacci).

Mr. RENacci. Mr. Speaker, I rise today in strong support of this motion to instruct the Surface Transportation bill conference. The EPA’s proposed rule to classify coal ash as a hazardous material is yet another example of this administration’s continual attack on coal and the affordable domestic energy it generates.

The production and use of coal ash has grown into a multi-billion dollar industry supporting thousands of jobs in my home State of Ohio. Coal ash is used in more than 75 percent of the concrete primarily because of its cost effectiveness. Eliminating it would force concrete producers to use expensive alternatives, driving up the cost of building roads and bridges in America by more than $5 billion a year. That means construction costs won’t go as far at a time when our infrastructure is in dire need of repair.

In addition, classifying coal ash as a hazardous material will prove extremely costly for coal-fired power plants. Some energy companies may attempt to pass the new costs on to consumers in the form of higher bills. According to RIDOT, millions of dollars in projects under way will be delayed and the 2013 building season would cost jobs.

Mr. DOYLE. Mr. Speaker, I rise in support of the gentleman’s motion to instruct.

Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its by-product—coal ash. It’s an unavoidable part of our power generation in southwestern Pennsylvania.

Though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I’ve been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act. However, this motion to instruct does not fully encompass my position on the issue.

Mr. WAXMAN. Mr. Speaker, I now have the pleasure to yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, today the House will vote on yet another environmental ruinous bill. This motion would instruct surface transportation conference reports to retain the language of H.R. 2273, which prohibits the EPA from regulating coal ash.

Coal ash is the toxic combination of mercury, boron, aluminum, thallium, sodium, and arsenic that is produced by burning coal. Shockingly, people living near unlined coal ash ponds have a risk of cancer that is 2,000 times greater than EPA’s acceptable level.

This motion would disallow the EPA from doing its job. Allowing the EPA to enforce safeguards against coal ash pollution would help to avoid disasters like the 2008 TVA spill where a dam holding more than 1 billion gallons of toxic coal ash failed. That spill destroyed 300 acres and dozens of homes, devastated wildlife, poisoned two rivers—and apparently taught us nothing.

Mr. Speaker, I urge my colleagues to oppose this latest attempt to bar the EPA from saving lives and preserving the environment.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes of my remaining time to the gentleman from Pennsylvania, Congressman DOYLE.

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I urge my colleagues to oppose this latest attempt to bar the EPA from saving lives and preserving the environment.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN asked and was given permission to revise and extend his remarks.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, another summer building season is well under way without a long-term transportation bill; and we are, quite frankly, down to the wire on the current funding authorization, which expires next Sunday. Yet here we are debating the addition of even more non-transportation-related measures.

Congressman MCKINLEY’s motion to instruct on coal ash is another example of delay. The transportation conference ought to be urgently completing their work on a long-term authorization, not being saddled with extraneous requirements which pose a threat to public health. With thousands of jobs on hold until Congress acts, this delay is unconscionable.

Our State Departments of Transportation gave us early warning that if Congress did not act on a long-term transportation bill by March 31 the summer building season would be compromised. The Senate recognized this concern, and it sent the House bipartisan legislation known as MAP-21, which is a bill that passed the Senate with the strong bipartisan support of 74 Senators. Then, as the March 31 deadline came and go, House leadership refused to take up the bipartisan Senate bill, knowing full well that carrying an extension through the summer building season would cost jobs. At least, it’s unconscionable.

Nowhere is our Nation’s fragile recovery more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent. According to RIDOT, millions of dollars in projects have already been removed from the pipeline. A $1.5 million project to carry I-95 over Ten Rod Road in Exeter; a $2.5 million project to provide traffic improvements on I-295...
Coal Residuals Reuse and Management

why I am supporting Mr. MCKINLEY's motion includes American coal. That is why I am supporting Mr. MCKINLEY's motion to instruct conferees. MR. MARKEY. I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD). MR. WHITFIELD. I rise today to support Mr. MCKINLEY's motion to instruct conferees to the highway transportation bill to stop the EPA from regulating coal ash as a hazardous material.

Since the formation of the EPA, the agency has looked periodically at coal ash. Most recently, they did it in 1993 and 2000 under the Clinton administration and came to the conclusion that coal ash does not warrant being regulated as a hazardous waste.

The only difference between today and then is that this administration is determined to put the coal business out of business, yet our President gets about 48 percent of its electricity from coal. We cannot expect to meet the demands of this Nation's electricity needs over the next 20 years without coal. And if the EPA is so successful in treating coal ash as a hazardous waste, which is quite radical, we know that independent analyses have shown that the costs associated with road and bridge building in America will increase by more than $100 billion a year by the year 2050. And in America today, to stimulate our economy, to get our goods to market, we need to improve the infrastructure of this country.

At this time in our Nation's history, with the economic problems that we have, to try to increase the cost for construction to meet the vital needs of this country is really unconscionable, particularly when there's been no causal relationship found between coal ash and health problems.

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

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of the remaining time to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from West Virginia for yielding.

Mr. Speaker, I rise today in support of the McKinley motion to instruct conferees, asking that the bipartisan-supported coal combustion residuals program language from H.R. 4348 be retained in the final transportation reauthorization bill.

Coal ash is of critical importance, as it is contained in the composition of the concrete used in our roads, bridges, and other infrastructure. The use of coal ash in transportation has allowed our country to maintain lower costs for infrastructure building.

Studies have shown that coal ash costs 20 to 50 percent less than other products on the market today. During a time when our country is deficit and we need solutions that are cost efficient, coal ash serves as a reliable resource. We need to invest in materials
that will allow us the highest return on investment and stretch our highway dollars for needed improvements.

In addition to the cost savings that this will provide, including this language is also critical to support our environment and nearly 300,000 jobs that rely on these materials across the Nation.

In western Pennsylvania, I've witnessed the importance of coal ash to many communities in my district and surrounding areas. We have seen a transformation from orange skies and orange streams to an area whose beauty has been restored thanks to the safe use of coal ash for landfill, transportation use, and other purposes.

For these reasons, I strongly urge my colleagues to include in the final conference report the McKinley language so critical to our Nation's economic and infrastructure needs.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

The way I understand the argument on the civil side is that, if the EPA regulates coal ash and it calls it hazardous, that stigma will lead construction companies to avoid it as a building material.

It is my understanding that the gentleman from West Virginia, Mr. McKinley. Is that an accurate statement, that you're fearful of the designation and the stigma of that designation as hazardous? I yield to the gentleman from West Virginia.

Mr. MCKINLEY. You say is there going to be a stigma?

Mr. WAXMAN. Is your fear that, if the EPA regulates coal ash and it's called hazardous, that that designation will be a stigma and will lead to the nonuse of coal ash by construction companies as a building material?

Mr. MCKINLEY. Mr. WAXMAN, I believe there is a stigma associated with that pending decision, yes.

Mr. WAXMAN. That is your fear?

Mr. MCKINLEY. That that there is a stigma associated with the misinformation that's been disseminated. That's correct.

Mr. WAXMAN. My colleagues, the thing that is so confusing to me is that coal ash is often used as a substitute for Portland cement in concrete to lower the costs; it reduces the waste, reduces the greenhouse gas emissions, and we don't need to pass legislation to have that happen.

But I want to point out that Portland cement is designated as hazardous. It's a hazardous chemical under the OSHA Hazard Communications rule. It's a hazardous substance under the Superfund amendments. It's a hazardous substance under Federal Hazardous Substances Act, and it's a hazardous material under the Canadian Hazardous Products Act. But Portland cement continues to be used extensively in concrete and transportation projects.

The EPA is not seeking to call coal ash "hazardous." They want to call it a "special waste." But even if they called it hazardous, why would it not be used the way Portland cement is now used, even though that substance is designated as hazardous in all of these other statutes?

Mr. MCKINLEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from West Virginia.

Mr. MCKINLEY. What are we trying to do is allow more time for the conference committee to work rather than to debate the pros and cons of the environmental aspects of it. We want the committee to continue to work, to buy us the time to come to an agreement, and that there's been great progress being made on that, but don't stop at this 11th hour. They're close to making it happen. We want to stand beside them and make sure they finish their work on these negotiations.

Mr. WAXMAN. Reclaiming my time, I yield myself an additional minute.

The reason I ask for more time is, as I understand the McKinley bill, which was adopted by the House, it would prohibit EPA from regulating coal ash because it would be designated possibly as hazardous. And the argument has been made that it would be a problem when it is to be used as a substitute for concrete and building materials. But I don't believe that to be the case.

Now I think that the committee, with the Senate and the House, ought to come together. But I don't think your amendment is needed under any circumstances. That is why I urge Members to vote against this instruction because it is trying to interject in that highway bill something that's really not part of the highway bill and something that, on its own, should not be adopted in the form of the McKinley bill.

I reserve the balance of my time.

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

The SPEAKER pro tempore. The gentleman from West Virginia has 6 minutes remaining. The gentleman from California has 1½ minutes.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of my time to my fellow engineering colleague from the State of Texas.

Mr. BARTON of Texas. This same Dr. Armendariz made a comment not too many years ago that he wanted to crusify industry. He has since resigned because of those comments.

Those of us who support the McKinley motion to instruct do so because we don't think the current EPA is fair. Sometimes we have to tell the EPA what to do because they seem to be incapable of applying basic scientific methodology to a scientific problem. They want to impose a radical environmental agenda, apparently. And some of us don't think that's right, and we don't think it's good for the American people and the American economy.

So I strongly support what my good friend from West Virginia is doing because it at least makes it possible for a source that, for years and years and decades, has been used without any problem at all to continue to be used. And I think that's a good thing. So I rise in support. I thank the gentleman for the time, and I hope the House will adopt his motion to instruct the conference.

Mr. WAXMAN. Mr. Speaker, my colleagues, the gentleman from Texas told us that he was so moved to come here to correct the record. But he told us three things that are absolutely inaccurate:

The President has never said he doesn't want to build new power plants in this country. It is not true. True. The gentleman from Texas told us that the EPA never said that this administration, or that he personally, was against hydraulic fracturing. It's just not true.
And the analysis of the endangerment finding by the Bush administration was signed off on not by just a career civil servant, but by the head of the EPA, appointed by President Bush.

So when you get these wrong statements, you can draw up a reason to be paranoid about EPA. EPA wants to protect the public health and safety in regulating coal ash, but in doing so, they will not prevent coal ash from being used for other building purposes.

I urge that we defeat this motion to instruct, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Speaker, it’s fairly obvious that a lot of the folks that have been speaking on the other side of this issue have not read the bill and don’t understand what’s included in the provision. But perhaps reading the bill, reading the amendment would have said. The more roads, rebuild more bridges, do more work.

We’re not using all the money that we have available to build roads and bridges and to increase the infrastructure uses. Let’s maximize the use of all this money that we have available to build infrastructure.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and inclusions of extraneous materials on my motion to instruct conferences on H.R. 4480.

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

There was no objection.

1630 DOMESTIC ENERGY AND JOBS ACT

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. 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 include extraneous material on my motion to instruct conferences on H.R. 4480.

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

There was no objection.

1631 IN 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. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from Washington (Mr. HASTINGS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

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

Mr. Chairman, the price of gas and the unemployment rate both remain way too high, and American families are struggling as a result. That’s why I support H.R. 4480, the Domestic Energy and Jobs Act, and I urge my colleagues to do the same. This bill is truly a winner for refiners and will provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands.

Mr. Chairman, the price of gas and the unemployment rate both remain way too high, and American families are struggling as a result. That’s why I support H.R. 4480, the Domestic Energy and Jobs Act, and I urge my colleagues to do the same. This bill is truly a winner for refiners and will provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands.

Mr. UPTON. Pursuant to the motion of the gentleman from California (Mr. WAXMAN), I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and inclusions of extraneous material on my motion to instruct conferences on H.R. 4480.

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

There was no objection.

The question was taken; and the bill was passed and ordered to the Senate.
Title II requires that we learn about the consequences before imposing additional red tape. It sets up an interagency committee that will analyze the cumulative effects of several upcoming EPA regs on fuel prices as well as jobs. It also defers the finalization of three measures until after the analysis is completed.

The good news is that a future of chronically high gas prices is not inevitable. These policies that I have discussed and numerous other provisions in the legislation will in fact move us toward a safer, more secure, more affordable American energy and the jobs that go with it. The Nation can increase domestic energy supplies, lower future prices at the pump, and create many more jobs. This legislation takes the steps to usher in this brighter future. I urge my colleagues to join me in supporting it, and I reserve the balance of my time.


DEAR CHAIRMAN: Thank you for the opportunity to review the text of H.R. 4480, the Strategic Energy Production Act of 2012, as amended. This legislation includes a provision that deals with military readiness and training activities, which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4480, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 4480. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this provision.

Please place this letter and your committee’s response into the Congressional Record during consideration of the Measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

FRANK D. LUCAS, Chairman.


DEAR CHAIRMAN McKEON: Thank you for your letter regarding H.R. 4480, the “Strategic Energy Production Act of 2012.” As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Armed Services.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Armed Services with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON, Chairman.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON, Chairman.


DEAR CHAIRMAN McKEON: I am writing to you concerning the bill H.R. 4480, the Strategic Energy Production Act of 2012, as amended.

This legislation includes a provision that deals with military readiness and training activities, which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4480, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this provision.

Please place this letter and your committee’s response into the Congressional Record during consideration of the Measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. “Buck” McKeon, Chairman.


DEAR CHAIRMAN: Thank you for the opportunity to review the text of H.R. 4480, the Strategic Energy Production Act of 2012, as amended. This legislation includes a provision that deals with military readiness and training activities, which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4480, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this provision.

Please place this letter and your committee’s response into the Congressional Record during consideration of the Measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

FRED UPTON, Chairman.

Hon. Howard P. “Buck” McKeon, Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN: Thank you for your letter regarding H.R. 4480, the “Strategic Energy Production Act of 2012.” As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Armed Services.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Armed Services with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON, Chairman.

On Monday, Congressman Markey and I released a report that documents this all-out assault. It confirms that this is the most anti-environment House in the history of Congress. Over the last 18 months, the House has voted 247 times to undermine protection of the environment. That’s almost one vote every five votes taken in the House.

The oil and gas industry has benefited more than any other sector from these anti-environment votes. Since the beginning of 2011, the House has voted 109 times for policies that would advance the interests of the oil and gas industry at the expense of the environment, public health, and the taxpayer. The result is a grave and growing peril to our environment, to public health, to our country, to our economy. The massive wildfires, floods, droughts, and heat waves that have been afflicting our country are a harbinger of what is to come.

Americans know this. As the Washington Post reported this morning, the vast majority of Americans believe our environment is deteriorating, and they know that unchecked pollution from oil refineries and other industrial sources is making the problem worse. Yet what are we doing today? Today’s bill is one more massive giveaway, and it is one more assault on the environment.

This bill contains two proposals requested by the Energy and Commerce Committee. One would block standards for oil companies to clean up their pollution. The other seeks to bypass existing leasing programs in order to pry open every possible acre of Federal land for oil drilling.

This legislation has been promoted as a solution to high gasoline prices. But this bill is a Trojan horse. This bill would not lower prices by one penny. It hurts them. The bill will keep dirty gasoline on the market, allow oil refineries to spew toxic emissions, and forestall action to address climate change.

Tucked inside this legislation is the latest amendment. Language of this amendment cuts the heart out of the Clean Air Act, radically changing the way air quality standards are set. Rather than basing smog standards on what is healthy for our children to breathe, this bill would require standards to be based on what industry says it will cost to reduce pollution. This radical proposal will undermine decades of progress on cleaning up the air. The bill will also cost jobs. The regulations blocked by this bill would create tens of thousands of jobs installing pollution controls and modernizing oil refineries.

In addition, this bill would make it harder for the President to tap the Strategic Petroleum Reserve during emergencies by layering on new bureaucratic requirements to force drilling across a vast expanse of public land.

This bill may be good for the oil companies, it may be good for the special

□ 1640

In addition, this bill would make it harder for the President to tap the Strategic Petroleum Reserve during emergencies by layering on new bureaucratic requirements to force drilling across a vast expanse of public land.

This bill may be good for the oil companies, it may be good for the special
interests, but it is a disaster for the American people. The Republican energy policy isn’t an all-of-the-above policy; it’s oil above all.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support the Domestic Energy and Jobs Act for a number of reasons. First of all, it would encourage more production of energy in the United States. Two, it would lower energy costs. Three, it would create additional jobs for the American people. And, four, just as important, it would keep America more competitive in the global marketplace.

We live in a global economy, and our ability to have cheap, affordable, and abundant energy is absolutely necessary if we are going to compete with countries around the world. So that’s what this legislation is designed to do. All of our responsibilities to the environment, but we genuinely believe after hearing after hearing after hearing after hearing, people who create jobs come in and talk about the additional costs they’re incurring because of this overly aggressive EPA, headed up by Lisa Jackson. I would also say that one portion of this bill is a very commonsense approach. While it would not immediately lower gasoline prices, it does ask the President to establish an interagency task force to examine the impact on jobs, prices, and competitiveness of three regulations that the EPA has initiated. They haven’t finalized it, they haven’t decided they are going to finalize it, but they have started the first steps. And so we ask this Agency to look at what is the impact on fuel prices with these regulations if they are adopted and to report back to Congress and to not finalize any of these rules until at least 6 months after they report back to Congress. It seems to me a commonsense approach. We have a responsibility to the American people to have some idea about the impact of these regulations on the economy.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH), and I would like to ask unanimous consent that he be permitted to control the rest of the time for our side of the aisle on this important piece.

The CHAIR. The gentleman from Illinois will control the time.

Mr. RUSH. Mr. Chairman, since the beginning of the 112th Congress, we have held over 30 Energy and Power Subcommittee and joint subcommittee hearings. We have held over a dozen subcommittee and full committee markup sessions, and including H.R. 4490, which we will vote on today, we have had 10 bills that originated from the Energy and Power Subcommittee that have been voted on by the full House.

Yet, Mr. Chairman, from all of that time and all that effort, the Energy and Power Subcommittee has produced exactly one substantive bill. Let me repeat: only one substantive, significant bill, the Pipeline Safety Reauthorization Act, the only one that has actually become law.

Mr. Chairman, instead of focusing on trying to create the clean energy jobs of the 21st century, the majority party has spent the past 18 months lobbing partisan attacks against the EPA and the Clean Air Act in order to appease Big Oil and some of the more extreme constituencies that the Republican Party represents.

Mr. Chairman, most Americans would like to see us utilizing our time working in a bipartisan manner to address critical issues, such as access to jobs, clean air, and clean water, less dependence on foreign oil, enhanced energy-efficiency measures, and an increased reliance on the cleaner and renewable energy sources of the future.

Instead, here we are again debating yet another bill that would continue the concerted effort of the majority party to weaken the authority of the EPA and to delegitimize the Agency’s regulations as job killers.

Mr. Chairman, with just a little over 20 days remaining before the August recess, we are freezing our limited time on legislation that will create jobs and move America forward toward a smarter energy future that is less vulnerable to the whims of the world oil market. However, nothing in this bill is a job creator.

The most offensive provision of this bill, the Gasoline Regulations Act, would fundamentally change a cornerstone of public health law, the Clean Air Act, and I ask my colleagues: Why, to what end?

This bill will not create any jobs but, rather, would block EPA rules to make the fuel we put into our cars cleaner. This bill would also block rules that would cut toxic air pollution from refineries.

This bill blocks the EPA from requiring new refineries from cutting carbon pollution that causes climate change, and it even blocks the agency from revising the national air quality standard for ozone to reflect the best-available science and medical evidence about how much ozone is safe to breathe without serious health effects.

Mr. Chairman, one truth remains, and that truth is that H.R. 4480 isn’t really about lowering gasoline prices. It is about an excuse to push a profoundly anti-environmental agenda and provide oil companies with more items from their election year wish list.

Oppose this bill because it would strike at the heart of the Clean Air Act and would not provide any tangible benefits to the American people. I urge all of my colleagues to oppose it as well.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), and I would ask that at the conclusion of his 2 minutes that the balance of my time be controlled by the gentleman from Colorado (Mr. GARDINER).

The CHAIR. The gentleman from Colorado will control the time.

The Chair recognizes the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Chairman, H.R. 4490, the Domestic Energy and Jobs Act, the legislation we’ll vote on before too long, has three very simple misses. The first is to lower and create affordable energy for folks all across America. The second is to create the jobs that go with it. And, finally, it’s to begin to put American energy policy back on a commonsense, simple standard that allows affordable energy to be produced here in America by Americans for Americans.

You know, we’ve seen in these discussions, these debates, that there are two opposing views on how to do this. The first is the view of the folks on the other side who think if we just had one more rule, one more set of regulations, another subsidy, another handout from the taxpayer, we can’t afford the Green energy. B.C. could find that next great affordable energy source. We’ve seen how that’s worked. We’ve got gasoline at $3.50 a gallon. We’ve got utilities all across the country asking for rate increases.

There’s another view. There’s another way to go about it. It’s to let the market respond to price signals. It’s to get the Federal Government out of the way, to reduce regulations across the board while making sure that we’ve still got safe drinking water and clean air. Both of these objectives can be accomplished.

This legislation simply streamlines and simplifies the leasing and permitting processes on Federal lands to make sure that consumers have access to affordable American energy. We have tremendous opportunities right here in America. Right in Kansas’ Fourth Congressional District, in Harper and Kingman and Stafford and Edwards and Barber and Pratt, all over central Kansas, a new opportunity, creating real, affordable energy produced by Americans with American jobs.
As a member of the full Energy and Commerce Committee, frankly, I'm ashamed that this House is actually considering legislation that puts public health decisions in the hands of the oil industry.

Title II of H.R. 4480 eliminates a core principle of the Clean Air Act with respect to smog. For over 40 years, the Environmental Protection Agency has set health-based air quality standards using scientific and medical evidence to identify the maximum safe levels of air pollutants human beings can breathe. Title II would do away with that precedent by requiring that the cost to industry be the primary consideration in determining healthy emission standards. Yes, if this legislation passes, health-based decisions will play second fiddle to dollar considerations for the first time.

Over the years, our air has become cleaner and safer because industry has had to comply with more stringent standards. Less pollution means less suffering, are now making record profits. We don’t have to pass the hat for taxes on oil companies. The largest made $37 billion in profit last year and $33.5 billion in the first quarter of 2012. Our health decisions should be made by health experts, not our worst polluters.

H.R. 4480 continues the policy of the 112th Congress: if the oil industry asks, the oil industry gets, no matter the impact on American families.

Title II sets up a new interagency bureaucracy to conduct an impossible study of the alleged economic impact of several EPA rules to reduce pollution from refineries and fuels—which haven’t even been proposed—using data that doesn’t exist. In the meantime, this title blocks the EPA from finalizing several air quality protections that the oil industry would prefer go away.

Title II does nothing to protect the consumer from price spikes at the pump or to reduce our country’s dependence on oil. Instead, it is a giveaway to the oil industry under the false pretense of lowering gasoline prices.

The oil industry doesn’t want to reduce the amount of toxic air pollution spewing from its refineries. The oil industry would rather not construct new refineries that are more efficient and less polluting technology.

I offered an amendment yesterday that would have simply said that the unnecessary and impossible study required under title II would be paid for by the one industry that most stands to gain from its implementation, Big Oil. My amendment was not made in order.

The American people deserve better than this. They deserve clean air and clean water. They deserve more than a few months of a transportation bill. They deserve a jobs package that will put millions to work, including teachers and construction workers and firefighters and police officers. They deserve affordable student loan rates. Instead, the Republicans of this House have elected to carve out additional privileges for Big Oil.

Mr. GARDNER. I yield 1 minute to the gentleman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Speaker, as a member of the House Energy Action Committee and a Representative from an energy State, I come to the floor today to support an all-of-the-above energy bill and an all-of-the-above jobs bill.

I know firsthand the tremendous economic growth and job creation that comes from making use of American-made energy. My State of Kansas is undergoing an energy boom. Farmers are making money, tractor dealerships are selling new tractors, and families are paying off loans. Even church contributions have been higher.

Sadly, this American success story has been attacked by the current administration’s repeated rejection of policies that would increase domestic energy production and create thousands of energy jobs.

This important legislation strengthens our energy security, it removes the bureaucratic red tape hindering American energy production, and it creates American jobs.

Simply, we cannot afford to delay action that would create thousands of jobs. I urge passage of this legislation.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a fine member of the subcommittee and a distinguished member of the full committee.

Mr. DOYLE. Mr. Speaker, I rise in opposition to this bill before us.

Today we’re debating a bill that Republicans tell us will embrace an all-of-the-above energy strategy. The way this bill purports to do this is by opening large swaths of land to oil and gas drilling, halting regulations, and gutting the Clean Air Act. It’s clear that this is not a true effort to develop an all-of-the-above strategy, but instead is a narrow-minded approach to oil and gas development at any cost.

Republicans continue to mislead President Obama and congressional Democrats for opposing efforts to increase U.S. domestic oil production, but the facts disprove this notion. The President hasn’t agreed with every proposal to expand oil and gas drilling in the United States and its territorial waters, but he has taken action to open up substantial new public lands and coastal waters to oil and gas development.

Today, roughly 75 percent of U.S. oil reserves on public lands and under our coastal waters have been leased out to oil drillers. In fact, domestic oil production is at an 8-year high, and the production of natural gas plant liquids—liquefied petroleum gases that are used for fuel—is currently at an all-time high of more than 2 million barrels per day. All told, the U.S. Energy Information Agency estimates that U.S. petroleum production in 2012 will average more than 8 million barrels per day.

The number of oil rigs in the United States has quadrupled under President Obama. At the same time, petroleum consumption in the United States has dropped by more than 2 million barrels per day since its all-time peak in 2006. Now, since domestic oil production is up and petroleum consumption is down, U.S. oil imports are at a 17-year low. In fact, the United States is importing 10 percent less oil than it was 8 years ago.

Now, one might reasonably conclude that since the United States is producing more oil and consuming less, oil and gas prices would be going down, but that’s not happening. Oil and gas prices are going up. Well, how can that be? Oil prices—and consequently gas prices—are rising because, while oil consumption may be lower in the United States, global demand for oil is, in fact, rising.

Rest assured, this bill does nothing to address the real problem of high gas prices, and it does nothing to develop a real all-of-the-above energy strategy for the United States, as doing nowhere in the Senate, and it’s a true disappointment as this Congress’ effort to address high gas prices and an expanded energy portfolio.

I urge my colleagues to reject this bill.

Mr. GARDNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Colorado for his leadership and for bringing this legislation to put a good energy policy in place in this country, which we do not have today under President Obama.

If you look at components of the bill, it talks about the Strategic Petroleum Reserve. The President has used the Strategic Petroleum Reserve as his bailout fund, basically, for his failed policies. He’s raised it. Last year he raised 30 million barrels from SPR and still, to this day, hasn’t replaced that oil. But on top of that, the President took those dollars, billions of dollars, and spent them on unrelated government spending. So that’s what the President was doing with SPR—using it as his personal piggy bank and bailout fund for his failed policies.

The President and others like to talk about an all-of-the-above strategy. They love to talk about energy production never being higher. One thing they fail to mention is that energy production on Federal lands, where the Federal Government actually has control,
is down. In fact, President Obama's own administration, the Energy Information Agency, confirmed again recently that production this year on Federal lands is down 30 percent just in the Gulf of Mexico from last year. So they talk about production being higher. It's either 65 percent of the land that they have no control.

And by the way, through EPA and Department of the Interior and other Federal agencies they're trying to regulate it. 65 percent right now. And so when they're braggadig about it, they're trying to shut it down.

Just today, in New Orleans they had a lease sale; first lease sale we've had in more than 2 years. And in fact, it shows that there's tremendous interest in exploring for American energy. The only problem is there is no more plan in place. Normally, you always have a 5-year plan for this country. By law, the President's supposed to have a 5-year plan. After today, there's nothing on the books for any more future lease sales. And, in fact, the proposal that the President has been sitting on shuts off 85 percent of the leases that were getting ready to be opened up for exploration. And what does that lead to? It leads to a greater dependency on Middle Eastern oil, on these foreign countries that don't like us.

The President has shipped tens of thousands of energy jobs out of this country. We've tracked rigs that have left the states and gone to places like Egypt and Ghana and Brazil. Those oil jobs ought to be here. We ought to be creating those jobs here and seeking energy independence, and this bill is a great start. I urge its support.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

This bill, sadly, is a missed opportunity. It would have been an opportunity for an all-of-the-above and a jobs bill, but it simply is not. We're in a situation where domestic oil production is strong. And what we are looking at, currently they're talking about giving out, encouraging more land to be locked up for the future, rather than using the 25 million acres currently authorized for drilling that are not being used by oil companies today. They would allow people to sit on land, paying only $1.50, $2 an acre for up to 10 years.

Now, I think it's wise for us to be able to move forward to encourage energy production. There would be an opportunity here to deal more aggressively with incenting sustainable energy. Nuclear energy that will be with us for decades to come, rather than depleting existing resources and tying up leases in the future.

This is an excuse to undermine existing environmental protections. Why, in heaven's name, would we seek to deregulate tailpipe emission regulations that are already supported by the auto industry? It makes no sense at all.

It is not wise to have language that orders the EPA to consider the cost of a clean energy rule, rather than the impact of public health, turning on its head long-standing priorities.

I suppose you could diagnose lung cancer, but say, well, it's pretty expensive, let's say it's lung cancer. Let's call it a cough.

Mr. Chairman, it's important for EPA to make the decisions to protect public health rather than company profits, which are exploding in time.

This is a missed opportunity. I suggest its rejection.

Mr. GARDNER. Mr. Chairman, I would like to inquire as to how much time my side has remaining.

The CHAIR. The gentleman from Colorado has 19 1/2 minutes remaining. The gentleman from Illinois has 12 minutes remaining.

Mr. GARDNER. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Chairman, I thank the gentleman from Colorado for yielding.

High energy prices are having a negative impact on our economy and on our family budgets. But don't take my word for it. This is what my constituents have told me firsthand.

There's David from Castroville, Texas, who wrote:

As a self-employed carpenter, gas prices for a large truck cut into my profits. It is madness that the USA is not oil and gas independent. Energy independence is essential for our economy to grow and protect our freedom.

Another constituent, Ray, stated:

I'm a retired engineer and planned to travel with my wife this summer but had to curtail those plans because of the high cost of gasoline. This has cut deeply into my retirement pay and I'm spending more time at home because of gasoline prices.

Mr. Chairman, this isn't rhetoric from Washington insiders, but input from working-class Americans who are struggling to make ends meet. I urge my colleagues to support the Domestic Energy and Jobs Act in order to increase energy production, eliminate red tape, and create jobs.

Mr. RUSH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentleman for his courtesy.

Facts are really kind of difficult if you have to deal with them. The gentleman just spoke about a bad case of an individual that wasn't able to go on a trip because of the high price of gasoline. He may want to tell that individual that there are programs to help him. The gentleman just mentioned, average, over the last several months, has exported over 24 million gallons of gasoline a day, 24 million gallons of gasoline a day, exported from the United States, maybe that has something to do with the high prices.

But at a favor. As of March of 2011, onshore, the Department of the Interior offered, between 2009 and 2011, 6 million acres of land for leasing. The offshore, 37 million acres were under lease. 2.4 million acres were active. 70 percent not being used.

So why are we here opening more land? There's a reason for it. There is a reason why the oil industry wants to do this. If they are able to acquire a lease, they put it on their books as an asset, thereby giving the appearance that they have a lot of assets available to them, when, in fact, they have no intention to, in the near term, probably the next decade or so, actually explore and produce. It is a financial game. It is not a game of producing oil.

Now, if we really wanted to do something, we would immediately put in place a production tax credit for the wind turbine industry, which is languishing now because we are refusing, Republicans, in this case, refusing to put forth a renewal of the production tax so that the wind industry can actually continue to produce energy for our Nation.

So what does it mean? There are some 70,000 jobs in the wind industry today. Some 17,000 more would immediately go into place if the production tax credit were in this bill and became law.

What does it mean? If we were to enact my bill, H.R. 487, those wind turbines would be manufactured in the United States, and thousands more jobs.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield another 30 seconds to the gentleman.

Mr. GARAMENDI. The bottom line of this: it is simply a play by the oil industry all of the above and a balanced sheet at the expense of the environment and, just as important, at the expense of a real, all of the above energy policy.

It's a sad day that we're here debating an energy bill that really doesn't do anything at all to help us meet the energy needs of this Nation. There's nothing in this about renewables. It's unfortunate.
I represent an area of the State of Ohio that has the largest number of agriculture producers, manufacturing jobs, and small businesses. When you look at these numbers, we’ve had a very high, disproportionate hit for my constituents because of high oil prices. As the bill requires all legislation should be subject to a thorough analysis of cost, benefits, and potential hurdles to implementation. The Gasoline Regulations Act of 2012, which is part of this bill, will delay regulations that are currently increasing prices on consumers, farmers, and small businesses while these regulations are under review. It will also provide some much-needed regulatory relief to refiners, who are struggling to stay in business due to the high cost of fuel.

Reducing the costs of refining fuel is a great first step, but the key to reducing fuel prices is to bring more supply into the market. The only time that oil should be released from the Strategic Petroleum Reserve is to counter a severe supply interruption. I support legislation that will allow the increased production, and for these reasons, I support the bill.

Mr. RUSH. Mr. Chairman, I reserve the balance of my time.

Mr. GARDNER. I would like to yield 2 minutes to the majority whip, the gentleman from California (Mr. McCarthy).

Mr. McCarthy of California. I want to thank freshman Cory Gardner for his efforts.

Mr. Chairman, I want to for one moment imagine. I want to imagine a country, an America that doesn’t have 40 percent of its population unemployed. I want to imagine an America with 4 percent unemployment. Could you imagine a country that had a trade deficit that was shrunk? Could you imagine a government that, instead of saying it wants to raise taxes, actually cut them? Imagine that, in a housing crisis, you’re not sitting with foreclosures, but you actually need more houses to be built and that people are flying into the country because the jobs are there and it is the place to be. I want to imagine, when you go down to even work at McDonald’s, you’re making $15 an hour.

A lot of people in this country turn on the news and think that’s far-fetched. They think that’s impossible to dream or to even imagine. But do you know what? That’s taking place in parts of this country. That’s exactly what’s happening in North Dakota. And why is it happening in North Dakota? It’s because they created a State energy policy that is unshackled.

There is a team here, Mr. Chairman, that is called the HEAT Team, the House Energy Action Team. We went across the country and saw all walks of life—from California, to driving an electric car in Colorado, to going into the fields of North Dakota, which is where I went. Do you know what? I drove past the windmills. I looked at new technology which is able to extract in a much more pinpointed method and environmentally friendly way so that we can get those resources. What has it done? It has transformed the State with regard to job creation. As the President announced, it created thousands of jobs in our Nation because, yes, we are importing less today than in 1994, but that’s only on private lands, not on public lands.

The CHAIR. The time of the gentleman has expired.

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

Mr. McCarthy of California. So today, on this floor, we are debating something that can change America. No longer will you sit back at home and think, one day, I could only imagine unemployment low, revenues high, and everybody who wants a job can have one.

This bill today is about jobs. It’s about jobs that not only create a new America but that change our foreign policy. It creates a new America in which we invest today, and it makes us energy independent.

Mr. Chairman, I ask all to vote "aye," and thank the gentleman for bringing it to the floor.

Mr. RUSH. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GARDNER. I would like to yield 1 minute to the majority leader, the gentleman from Virginia (Mr. Cantor).

Mr. CANTOR. I thank the gentleman. I rise in support of this legislation before us, which will boost domestic energy production, spur job creation, and grow the economy.

The Domestic Energy and Jobs Act opens up more of our domestic energy resources, brings greater certainty to leasing on public lands, and does take steps to cut red tape that is increasing the cost of fuel and blocking energy development. Increasing energy production on our Nation’s public lands and in its waters can create millions of jobs, boost the economy, lower energy costs, and make America more secure.

It wasn’t too long ago that an energy-secure America seemed like an unreachable goal. Today, energy security is on the horizon because of innovations that have helped increase our domestic energy supply and that have created thousands of good-paying jobs along the way. I saw these innovative technologies firsthand a few weeks ago when I was out on a deep-sea rig off the coast of Louisiana. With this legislation, we give our Nation’s energy producers the certainty they need to invest in the innovations that are essential to American-made energy and American-made jobs.

The oil and gas industry is the lifeblood of so many communities across our Nation, but this President’s policies have stifled development of many of our Nation’s energy resources. Red tape and restrictions coming from the Obama administration are keeping America’s abundant energy resources under lock and key, away from our job-creating private sector.

As a result of some of these policies, small businesses are feeling the squeeze of high energy costs; families planning their summer vacations are facing historically high gas prices; and people are being sidelined. People are wondering, when will things get better?

They’re looking for leadership out of Washington. Frankly, this administration has not delivered.

Since the President took office, production on public lands has decreased. While I welcome the administration’s announcement that it is moving forward with a long delayed lease sale in the central Gulf of Mexico, it is simply unacceptable that this is the first lease sale the administration has held in the central Gulf since 2010. Our Nation’s energy producers have been ready and waiting to put their capital on the line to develop our Nation’s resources.

Delaying decisions critical to energy development creates uncertainty and slows job creation. In fact, the Obama administration has canceled more lease sales than it has actually held, so I think the big question is, why aren’t we doing more? Why aren’t we developing more of our Nation’s Outer Continental Shelf, such as that off the coast of Virginia, where there is broad bipartisan consensus in my State supporting such development?

After years of watching the President fail to embrace a pro-growth energy policy, the American people deserve more. The future of our country depends on a true, all-of-the-above energy strategy that promotes domestic energy production, job creation, and economic growth.

By adding certainty to the regulatory process, we can promote domestic energy development in an environmentally sensitive way. We can promote economic growth and get Americans back to work. These seven bills, as part of the HEAT Team package, will help bring down high energy costs, which are hurting families and crippling small businesses, so that we can then spur the creation of thousands of jobs.

I want to salute and thank the House Energy Action Team: the bill’s chief sponsor, Congressman Cory Gardner; Congressman Ed Whitfield; Congressmen Scott Tipton and Mike Coffman; and Congressmen Doug Lamborn and Bill Johnson for putting forward these measures that will harness our domestic energy resources.

Finally, I would like to thank our whip, Kevin McCarthy, for his leadership and for bringing all of us together, as well as thank Chairman Fred Upton and Chairman Doc Hastings for their leadership on these measures that are essential to our Nation’s competitiveness and job creation.

Mr. RUSH. Mr. Chairman, I yield 4 minutes to one of the most remarkable leaders that this Congress has ever
Mr. HOYER. I thank my friend, and I would have come up here just for that introduction. I thank him so much. I am pleased to follow my friend, the distinguished minority leader, Mr. CANETTI. I’m going to have some remarks. But before I get to those remarks, I want to give you some statistics that I know you’ll find very interesting. I want you to take them to heart.

The Energy Information Administration reports that oil production from Federal lands and waters was higher for the first 3 years of the Obama administration than the last 3 years of President Bush’s administration. In addition, oil imports are at the lowest they have been since 1997. In 2011, U.S. crude oil production reached its highest level in 8 years, increasing by an estimated 110,000 barrels per day over 2010 levels to 5.59 million barrels per day. We now produce more than 50 percent of the crude oil we use domestically.

The U.S., by the way, has 1,971 rigs in operation. The rest of the world has 1,471.

The U.S. natural gas production is record breaking. In 2011, 28.5 million cubic feet. In 1973, which was the previous record, it was 24 million cubic feet. But hear this: In 2005, during the Bush administration, it was 5 million less.

Net imports as a share of total consumption has declined from 2005, where it was 60 percent in the Bush administration, to 2011, where it is 47 percent. The administration has announced that the 2012-2017 5-year leasing plan will open up more than 75 percent of our potential offshore oil and gas resources. The U.S. production for Federal lands and waters is higher than ever before. The Bush administration more than doubled its initial potential. Add it up, and we have a total of more than 100 million more barrels.

Ladies and gentlemen, we understand that we need to produce and use energy in America. Mr. Chairman, we should be working, however, together to find real solutions to meet our pressing challenges. We ought to pass a long-term highway bill to create thousands of construction jobs. We ought to address the looming deadline when student loan interest rates are set to go up on July 1. We ought to get to work on taxes so we can keep low rates in place for middle class families. And we ought to get serious about comprehensive deficit reduction before we find ourselves on the edge of a fiscal cliff this year.

Instead, Mr. Chairman, once again, we have a solution looking for a problem. Our Republican friends have called up two bills on the floor this week that make this very clear. While gas prices have thankfully retreated, the first bill would enact an extreme drill-only energy strategy that won’t lower gasoline prices. That bill is notable for what it doesn’t do: invest in diverse energy sources that create jobs, reduce our oil dependence, and enhance energy security; nor does it make our Nation a global leader in energy technology.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield the gentleman an additional 1 minute.

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

The second bill, which we considered yesterday, would impose a radical policy on our border areas that would undermine security coordination and bring polluting industries to some of our most pristine parks and historic sites, even though our border enforcement officials have said such legislation is unnecessary. That’s what we worked on yesterday. Not jobs, not student loans, not transportation, but a piece of legislation that they said wasn’t necessary.

These are the kinds of bills that Congress ought to be focusing on this week or next week. Let’s turn our attention to our most pressing issues—student loans, construction jobs, keeping middle class taxes low, and reducing deficits—instead of the American people’s time on partisan bills that won’t solve any of our real problems.

Mr. Chairman, I’m hopeful that either in the next 24 hours or in the next 9 days we will, in fact, pass a jobs bill that will create jobs, and everybody knows that that’s the highway bill. The CHAIR. The time of the gentleman has again expired.

Mr. RUSH. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland.

Mr. HOYER. The Senate has passed a highway bill in a bipartisan fashion with half of the Republicans in the United States Senate voting for it, and with a very conservative Republican ranking member, MR. INHOFE, and a very liberal chairwoman, BARBARA BOXER, who came together and had the ability to compromise and come to agreement.

I tell my friends on the Republican side, that’s what the American people want us to do. If we do that, it will raise the confidence of our people, of our business community, of our country. That will be the best thing we can do for our country, to come together in a bipartisan fashion, as the United States Senate did, and pass the highway bill.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentleman from Colorado.

Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act. Oil accounts for 37 percent of U.S. energy demand, with 71 percent directed to fuels that are used in transportation. Our energy policy is vitally important to our national and economic security. It’s especially as important to the mother who drives her children to school as it is the business owner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans hurt.

Last year, the price of gasoline increased 81 cents per gallon. That is why I do support an all-of-the-above approach to energy. This includes opening up new areas for oil and gas production, transitioning to renewable and alternative energy, and using more clean and reliable nuclear.

The President in his last State of the Union stated the same belief, but this administration has done nothing to back up that statement. The executive branch is using the Strategic Petroleum Reserve for political purposes by imposing overburdensome regulations on refineries and placing obstacles to increasing permitting and leasing on Federal lands for gas and oil production.

During this administration, we have seen a drastic decrease of oil production on federally owned lands at a time when high gas prices are taking a big toll on businesses and consumers. From 2010 to 2011, there has been a 14 percent decrease. The Domestic Energy and Jobs Act will enable job creators in the energy industry and increase domestic energy production here at home.

The legislation that is before us today will turn the tide on this administration’s actions, or lack thereof, and allow our Nation to move forward on our Nation’s energy production, thereby increasing jobs and bringing us closer to energy independence.

I urge all of my colleagues to vote in favor of this bill.

Mr. RUSH. Mr. Chairman, may I inquire as to how much time is remaining on this side?

The CHAIR. The gentleman from Illinois has 3 minutes remaining, and the gentleman from Colorado has 11½ minutes remaining.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee, Mr. COHEN.

Mr. COHEN. Thank you, Mr. Rush. I appreciate the time.

Mr. Chairman, I rise in opposition to H.R. 4480. This is a bill that is totally a giveaway to Big Oil.

The fact is, if we want to be energy independent, we can’t drill our way to energy independence. We can get there by having alternative green energies that will create jobs and make us independent. We can have wind and solar, and we can have higher fuel standards for automobiles. That’s the best thing we can do is reduce the demand for oil by having higher fuel standards, which we don’t have in this bill. Regarding the price of oil and making ourselves energy independent, it’s not going to happen.
Mr. CONAWAY. There are world markets, demand in China, demand in India, demand even in Bangkok; and those demands have put the price of oil up. The situation in Iran with Israel has created concerns about the future of oil shipments through the Strait of Hormuz. Because of that, prices went up. That situation has been rectified.

This bill is only a giveaway to Big Oil. It threatens people's First Amendment rights because it says they have to put up a $5,000 bond simply to protest. It threatens jobs. In many industries—the outdoors industry—it threatens public health and people's opportunity to be free from air pollution. It threatens hunting, fishing, and recreation and grazing because it violates the multiple-use doctrines established in the Federal Land Policy and Management Act.

This is not a good bill for America. And to be energy independent, we need to find green energy and green jobs.

Mr. GARDNER. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chair, I rise today in strong support for the Domestic Energy and Jobs Act of 2012 because I personally know the importance of the oil and gas industry to the future of America.

I am fortunate to call West Texas home. Growing up in the Permian Basin has given me a better perspective on why we need to produce the raw resources that our Nation needs to power its industry. It is a perspective that has come from working on a drilling rig in Fort Stockton, Texas, drilling miles and miles below the surface of the Earth.

It's this pursuit of oil and gas miles below our feet that is reinvigorating pockets of the American economy from Texas to Pennsylvania to North Dakota. The work is hard, but the rewards can be great. Not just for the producers, but for the entire state. It is driving the thousands of small and large firms that support the drilling activity, and the communities that host them.

Our Nation relies and prospers, Mr. Chairman, on affordable, abundant energy like oil and gas. This bill will ensure that not only do we have affordable energy, but that Americans are put back to work producing it.

The oil and gas industry on private lands is thriving in spite of this administration's attempt to slowly suffocate it. This bill will reverse the glacial pace of permitting and the pointless regulations designed solely to slow down production on Federal lands.

Mr. Chairman, this bill will do the things that the President's stimulus act has failed to do. It will drive investment into American businesses and will put Americans back to work, just like the oil and gas industry has been doing in District 11 for over 80 years.

Mr. RUSH. Mr. Chairman, I intend to close, so I will reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, at this time, I would like to yield 1½ minutes to another gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act of 2012.

Every developed economy in the world looks to their own resources as assets to fuel their economic growth. Yet many folks in Washington view our domestic energy resources as a liability. Unelected and unaccountable Federal bureaucrats continue to dream up ways to lock up, restrict, tax, or otherwise regulate away from benefiting the American people.

This is an issue of critical importance for our economic security, our national security, our energy security, and most importantly for the opportunities that we hope to leave for future generations.

We desperately need the stability that comes from unlocking access and tapping into our American energy resources. The Domestic Energy and Jobs Act does just that by allowing us to pursue an all-of-the-above energy plan that removes unwarranted government roadblocks to domestic energy production and supply.

This bill will also help reduce our Federal deficits and our trade deficits. In the case of the former, it helps to reduce our Federal deficit in multiple ways: one, by growing the American economy and American jobs; two, by increasing royalties and lease payments to the Federal Treasury; and, three, by reducing the cost of our energy for the American economy. In the case of the latter, increased production of American energy will result in lower oil imports from foreign sources and reduced payments for those imports, thereby keeping more American money at home to rebuild our economy.

I urge my colleagues to support the Domestic Energy and Jobs Act, which would create jobs, grow our economy, reduce our imports of unstable Middle Eastern oil, improve our national security, and restore the American Dream for future generations.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to the gentleman from Louisiana (Mr. LANDRY), my freshman colleague.

Mr. LANDRY. Mr. Chairman, here are some facts: an estimated 13 million Americans are out of work. The State of Colorado's unemployment rate is 6.1 percent, which correlates with the national unemployment rate. Today, the State of Colorado's estimated reserves are 1 billion barrels of oil.

In 1995, the State of North Dakota's estimated reserves were 151 million barrels. Today, those reserves have increased to 4.2 billion barrels of oil; yet today, the State of North Dakota's unemployment rate is 3 percent. That shows that the Domestic Energy and Jobs Act is not only a good bill, it shows that drilling等于 jobs, Mr. Chairman. And it's very simple. In North Dakota, they are drilling on private lands. They are driving unemployment rates down.

Please, if the President wants a jobs plan, it is here. And I urge all Members to vote for this bill.

Mr. GARDNER. Mr. Chairman, at this time I would like to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support for H.R. 4480, a bill that promises to open up more public land to energy development and to streamline burdensome rules and heavy-handed regulations that now threaten America's energy development in the United States.

The President and the Democratic-led Senate continue to obstruct the utilization of America's enormous natural resources. What are they? These resources are a God-given gift that has elevated the well-being and prosperity of our people ever since the time of our Nation's founding. Now, when we need the wealth of those resources more than ever, we suffer the obstructionism of this President.

The President has prevented the construction of the Keystone XL pipeline. The President has shut down oil and gas production offshore. And most recently, this administration—and perhaps most heinously—this administration has moved forward with plans to add onerous rules and regulations on a new and emerging technology. The efforts of this administration are mind-boggling because there is no evidence that this technology would do any harm to our people, and there is ample evidence that this technology would produce significant economic growth, thus jobs. And I am referring to, of course, fracking, which has clearly been targeted by the President and by his environmental gestapo friends.

While we are talking today and while we are trying to determine whether or not we are going to be using more resources, gasoline prices are changing the lifestyle of the American people. We're talking about people who are paying $3.50 a gallon and, in my State, $4 a gallon. Why are we allowing our people—13 million people who are currently out of work and suffering under these conditions—why are we adding such costs on them to government?

The President's time has expired.

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

Mr. ROHRABACHER. What we need, Mr. Chair, is we need to make sure that we move forward, as this bill will do, to ensure that we are fulfilling our commitment to the American people to do...
everything we can to make sure that they will live in prosperity and freedom and hope for a better life for their children.

This has always been tied to the utilization of natural resources, and this bill will ensure that our people will benefit from those gifts that God gave us underneath our ground and public lands.

Mr. GARDNER. Mr. Chairman, at this point, I would like to yield 1 minute to another freshman, Mr. Gosar from Arizona.

Mr. GOSAR. Mr. Chair, outside these walls people across our country are suffering. Electric bills and gasoline prices are increasing as we enter the heat of the summer.

Mr. Chair, this bill presents us with an opportunity to create jobs to build on American energy independence, to make sure that we are doing the one thing that we set out to do, and that is improve the economy of this country, our competitiveness, and the lives of our constituents. But they can’t do it with gas prices exceeding $4. What’s next? Because here we are again.

The policies presented in this bill will allow us to cut through red tape and to increase exploration on our great lands in the Western United States across this country in an environmentally responsible fashion. It will allow us to make sure that when we access the Strategic Petroleum Reserve because of a supply problem that we’re also addressing a long-term supply fix instead of just quick-fix politics.

We have an opportunity to make sure that when it comes to the regulations that are driving up the price of gasoline—and they have a real impact; we have both heard before our committee testimony from EPA administrators who say, yes, it will increase the price of gasoline. We take a look before we leap to make sure that we are analyzing to understand the impact they will have on our constituents, who continue to suffer.

The best way to improve our economy is to make sure that we are unleashing every sector of our economy. And yes, that means renewable energy. This bill includes renewable energy. It takes a 4-year look at renewable energy on public lands, to take advantage of our opportunity with solar and geothermal energy, as was shown on the Federal lands. But we will not sit idly by while our constituents pay thousands of dollars a more each year to put fuel in the tank, competing with the food on their table.

And so, Mr. Chair, this bill presents us all with a great chance to increase our energy supply, create American jobs, and make sure that we understand the full ramifications of regulations and withdrawals of the Strategic Petroleum Reserve before we act. And I think it’s important that we send one strong message to our constituents that we’ve heard you. We’ve heard you loud and clear. And we are going to do everything we can to improve our economy, bring down the cost of energy, create jobs. That’s when this Congress will do our job. This Congress will do our job when we pass this legislation, and I urge passage of H.R. 4480.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, the legislation that we are debating and considering today is the clear all-of-the-above plan to increase American energy production, to lower gasoline prices, and to reduce our dependence on unstable foreign energy. But more than anything else, Mr. Chairman, this is a bill about creating jobs. The Domestic Energy and Jobs Act creates good-paying permanent jobs that will put people back to work and help grow our economy.

The only thing that the Obama administration has been more hostile to than American job creation, Mr. Chair, is American energy production. Frankly, that shouldn’t surprise anyone because the two do go hand-in-hand.

President Obama likes to talk about an all-of-the-above energy plan. But in reality, it’s a nothing-from-America energy plan. This administration has consistently said “no” to new American energy production while happily forcing hardworking American taxpayers to spend over $1 million a minute on foreign energy production.

President Obama doesn’t want to drill for oil in Utah; perhaps he’d rather get it from Venezuela. President Obama doesn’t want to drill for natural gas in New Mexico; perhaps he’d rather get it from Yemen.

President Obama doesn’t want to develop our oil shale in Colorado; perhaps he’d rather get oil from OPEC.

President Obama doesn’t want to import oil from our friends in Canada by approving the Keystone pipeline; perhaps he’d rather import oil from countries that aren’t our friends in the Middle East.

Finally, President Obama doesn’t want to drill off America’s coasts, but he doesn’t seem to mind Fidel Castro drilling 60 miles from America. And he doesn’t seem to mind giving Brazil billions of dollars to help them drill off the coast of Brazil, and he doesn’t seem to mind giving Brazil billions of dollars to help them drill off the coast of Brazil.

The American people need to understand that this administration has
taken this country in exactly the wrong direction when it comes to developing our vast energy resources. While President Obama has been digging the United States into massive fiscal deficits, he has also gotten America into an energy deficit on Federal lands, which it could take years to recover.

Energy production on Federal lands is one of our best opportunities for job creation and energy security. But time and again, that production has been blocked or delayed by this administration. Under this administration, from 2010-2011, oil production on Federal lands fell by 14 percent. And natural gas production on these same lands fell by 11 percent. Mr. Chairman, this is in stark contrast to the oil and natural gas production on State and private lands because that production has soared.

American energy equals American jobs. It’s a simple formula for job creation and energy security. But time and again, that production has been blocked or delayed by this administration. Under this administration, from 2010-2011, oil production on Federal lands fell by 14 percent. And natural gas production on these same lands fell by 11 percent. Mr. Chairman, this is in stark contrast to the oil and natural gas production on State and private lands because that production has soared.

What's going on in oil production in Texas is one of the best opportunities for job creation and energy security. But time and again, that production has been blocked or delayed by this administration. Under this administration, from 2010-2011, oil production on Federal lands fell by 14 percent. And natural gas production on these same lands fell by 11 percent. Mr. Chairman, this is in stark contrast to the oil and natural gas production on State and private lands because that production has soared.

What the world gathers in Rio de Janeiro right now to try to head off catastrophic global warming from the burning of fossil fuels, here we are in the House of Representatives looking for ways to give more benefits to fossil fuel industries. And what America’s wind and solar companies look to hire more American workers, here we are in the GOP-controlled House, where the Republican leadership refused to make my amendment in order to have national goals for wind and solar, combine energy and energy efficiency. They won’t even allow that debate to take place on the floor of the House of Representatives during what they say is the big energy debate for America. Can you imagine, it’s 2012, we are having a big energy debate, big, big debate on the energy future of our country, and the words “wind” and “solar” are not going to be permitted by the Republicans to be out here on the House floor and being debated. Why they didn’t throw it in biomass? Did I throw in geothermal? Did I throw in energy efficiency? They won’t allow the words to be spoken. There’s a gag order here, a big gag order by the Republicans. No debating that.

And then they have the temerity to call it an all-of-the-above bill. Oh, a comprehensive energy plan without wind, without solar, without geothermal, without biomass, without plug-in hybrids, without energy efficiency debated out here because they have a gag order. They prohibit any debating of those issues on the House floor. And yet here they are, saying it’s an all-of-the-above energy bill. Great. Great. So fair. Fair and square. A real debate. Let all the Members decide what our energy future looks like.

But before the end of this year, the Republicans are allowing all of the tax breaks for wind and solar to expire. And what are they doing? They are actually going to continue the $4 billion a year that ExxonMobil and Chevron get. That’s fair, huh? A gag order on even mentioning wind and solar out here as part of an amendment, a debate, $4 billion for the oil industry. And by the way, let’s take a look at what’s going on in oil production in the United States.

Oh, by the way, did you hear the news? Obama, drill, baby, drill. Obama, what a great job. An 18-year high under Barack Obama, way better than George Bush. Way better. You have to go back almost a time when a kid who’s graduating from high school has no memory of. It’s 18 years ago the last time there was this much oil drilling in the United States-Federal, State, private lands.

But if you listen to the Republicans, they say there’s not enough breaks for ExxonMobil. No, no, no, we have to give them more. This poor, beleaguered company, and all of the other oil companies of the same size, they have been beleaguered as they are now at an 18-year peak in oil production in the United States. And you know who’s beating them up—wind and solar, geothermal, biomass, plug-in hybrids. Very scary things to the Republican. So scary that because they control the Rules Committee, we’re not allowed to debate wind and solar. They’re prohibiting it today. An absolute, all-out prohibition this week on the discussion of wind and solar. Huh? When I asked to have an amendment be put in place that we could debate whether or not we had a national renewable electricity standard for the whole country, setting goals for what our country should have for wind and solar by the year 2020, you know what they said: No, we’re gagging you. You can’t have that debate out on the House floor. You can’t even raise the words “wind” and “solar.”

Yet they’re going to keep coming out here today with the all-of-the-above energy bill. All of the above that Exxon and Shell and BP want. Right on their list. And do you know where wind and solar are on the BP and ExxonMobil list? Oh, they just forgot to put it on their list. And that’s what we get to debate out here, and it’s going to be called an all-of-the-above energy future.

Well, let me tell you something—the American people deserve a lot better. They really do have a real sense that America has to be the leader in these new energy technologies. And President Obama has done his best or else we would not be at an 18-year high.

By the way, there are more oil rigs drilling in the United States for oil today—-are you ready for this—all of the other countries in the world combined. Barack Obama, drill, baby, drill. You are really doing the job. More oil rigs right here in the United States right now drilling than all the rest of the world combined.

But you’re going to listen to these Republicans talk as though somewhat or other, although ExxonMobil and BP and Shell are reporting the largest profits of any corporation in the history of the world, that they are being discriminated against.

What do ExxonMobil and BP expect? They expect there to be a gag applied out here on the floor so we cannot debate wind and solar, we cannot debate biomass and geothermal, we cannot debate energy efficiency. And yet we’re supposed to sit over here in silence and listen to them say that they have an all-of-the-above energy strategy when we all know their entire strategy is oil above all—as a matter in fact, to exclude all else, exclude it, can’t even debate it. They actually passed a rule here last night prohibiting us from debating wind and solar. From debating the future of our country, our global energy future.
years there have been 45,000 new megawatts of wind installed here in the United States. In this year, there will be 4,000 new megawatts of solar installed in the United States. Do you know who hates that? ExxonMobil hates it. BP, they hate it. Peabody Coal, Arch Coal, they hate it. They see this new clean energy future unfolding.

Out here on the floor of the House, as we debate the big energy bill here of 2012, I'm going to speak as the senior Democrat from bringing out an amendment that talks about wind and solar, that talks about geothermal and biomass, that talks about energy efficiency. I'm not allowed to bring it out here. So this is not an auspicious day for the United States Congress

If there were any kernel of truth about Obama and his incredible work here, lifting us to an 18-year high in total oil production in the United States—by the way, since Bush left, since 2008, we have dropped from being 57 percent dependent upon imported oil down to 45 percent dependent upon imported oil. Did Bush do that? No. Did Bush's father do that? No. Barack Obama did that, ladies and gentlemen. And what Barack Obama is saying, in addition to the dramatic decline in the amount of oil that we import from the Middle East, I would also like to add wind and solar and geothermal and biomass and energy efficiency. They can see this new clean energy future, that talks about energy efficiency, to name a few, are languishing in committee.

So this is the full extent of our ability to help those industries, those competitive industries, those Microsofts and Googles and eBays and Hulus and YouTubes of the energy industry get out there and reinvent the way in which we generate electricity here in our country. That's what this debate is really all about.

At this point, Mr. Chairman, I reserve the balance of my time.

Mr. HASTAG of Washington, Mr. Chairman, I'm very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBOURN), author of one of the provisions in this.

Mr. LAMBOURN. Mr. Chairman, I rise in support of the Domestic Energy and Jobs Act. This energy package will unlock some of the vast resources this country has been blessed with, create stable jobs to put Americans back to work, and ensure America's energy security for the future.

While President Obama believes that the private sector is doing fine with an unemployment rate of over 8 percent and 23 million Americans looking for work, more Americans on food stamps than ever before, the U.S. Bureau of Labor Statistics tells us far too many Americans are not doing fine. And while private sector oil and gas are booming, our Federal lands are left behind.

Rather than encouraging and implementing policies that will create jobs for Americans, the Democrats and the Obama administration unfortunately support antienergy, job-destroying policies and then refuse to act on or have reversed policies that would have created jobs for Americans and allowed for the development of American-made energy.

The Strategic Energy Production Act of 2012 takes the steps necessary to increase production of American-made energy and creates stable jobs for Americans. The plan, lease, permit provisions from the Natural Resources Committee in this legislation require the administration to create a definitive, all-of-the-above, 4-year production plan to ensure American production of conventional—and, yes, renewable—energy to meet our energy needs.

While the administration has been unwilling to make land available for energy production, this legislation requires that they annually lease land for onshore development to ensure that the energy production process moves forward. It also includes the permitting process to ensure the expeditious and timely permitting of approvals. The legislation also ensures that understaffed and underfunded BLM field offices receive the funding they need to keep up with their workloads.

In addition to these reforms, this legislation opens one of our most promising areas for energy production: the National Petroleum Reserve-Alaska, which would expand American energy production and support current energy jobs for Alaska.

Finally, this legislation brings oil and natural gas leasing into the 21st century by allowing the BLM the authority to conduct Internet lease sales.

This legislation will take huge strides in securing our Nation's energy future. It will lessen our dependence on foreign sources of oil and create good-paying jobs for Americans across the country.

Mr. Chairman, I urge my colleagues to support the Domestic Energy and Jobs Act.

Mr. MARKEY. I yield 4 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I rise in opposition to H.R. 4480, which I heard my good friend and colleague from Massachusetts, Representative MARKAY, refer to as the "Déjà Preview Act" or the "Big Oil Drain Act."

Any student of history will tell you that the Congress was not designed to be efficient—while there were some good reasons for that—but deliberately celebrating that particular design of Congress with yet another, short-sighted piece of legislation that moves United States energy policy backward is truly disappointing.

H.R. 4480 leaves our energy policy stuck somewhere in the 1950s. While other nations are making serious investments to diversify their energy supplies, support new clean energy businesses and, become less dependent on traditional fossil fuels, we are marching in place.

H.R. 4480, with its gag order on renewables and energy efficiency, is another missed opportunity and a waste of time. H.R. 4480 is nothing more than a wish list for Big Oil companies at a time when these companies are making record profits on the backs of America's taxpayers and her middle class.

Our energy crisis isn't that we need to drill for more oil. In fact, we're actually quite good at it as we saw in Representative MARKAY's presentation. This bill will only make us more dependent on a limited resource that is priced on the global market and enjoys a century-old taxpayer giveaway while making record profits on the backs of our middle class.

The answer to our energy crisis is to diversify our supply, support new clean energy businesses, become less dependent on fossil fuels—to focus on the demand side of the energy equation as much as we do our supply side.

While we consider this bill, policies that would provide modest assistance to companies that are working on solar, wind, fuel cells, combined heat and power, geothermal and energy efficiency, to name a few, are languishing in committee.

These are the technologies that will take us into the future, a bold future. True, they are not yet ready to provide all the energy we need, but that is all the more reason to help them move forward aggressively.

Jobs in the industries I've mentioned, good-paying jobs, are at risk
due to our failure to renew the production tax credit, the 1033 program, and the research and development tax credit. We are stifling job growth and innovation with this act.

Eventually, traditional fossil fuels will run out. Already, the human health and environmental costs of extracting and using these fuels have risen tremendously. We choose to ignore this at our peril, or at least the peril of the next generation and generations to come.

Over the past 40 years, the Clean Air Act has shown we can have both clean air and a vibrant economy. Since 1960, air pollution has decreased by more than 70 percent, while the economy has grown by more than 200 percent.

But this bill is likely to eliminate jobs, while making the air we breathe more toxic. But that doesn’t seem to matter to the majority in the House. It does so by eliminating standards for cleaner vehicles and cleaner fuels, likely costing nearly 25,000 jobs a year for 3 years. Yet more backward motion.

The public lands policy put forward today and in yesterday’s legislation is an insult to the previous generations whose foresight and concern for future generations granted us a rich inheritance of natural resources in our wildlife refuges, wilderness areas, and national parks.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Colorado (Mr. Tipton), author of one of the provisions of the bill.

Mr. TIPTON. Thank you, Chairman HASTINGS, for yielding me time.

America has always had a competitive advantage as a Nation. It’s been the entrepreneurship, the hard work, the innovation of the American people. But we’ve also always had a different advantage as well—affordable energy in this country. We see that now imperiled.

In 1979, Jimmy Carter challenged this Nation to move to energy self-sufficiency. Decade after decade it has not been addressed. This piece of legislation is to move America fully into the 21st century, to be able to secure for us and for our children this land of liberty, opportunity, and growth. It comes with American energy.

The ranking member from Massachusetts, I have good news for you. When you read the actual legislation that is put forward, it states in my portion of the bill, the Planning for American Energy Act of 2012, page 16, line 16, calling for our children that birthright that many of us grew up believing was an American birthright—the right to be able to live that American Dream—to be able to put Americans back to work.

The Planning for American Energy Act of 2012, my portion of this bill, speaks to that commonsense, all-of-the-above proposal that we all seek: wind, solar, geothermal, hydroelectric, using the minerals, the resources, the natural gas, the oil that we find on American soil.

When we see what is happening right now in the Middle East, when we see at the gas pump our prices doubled from just 3 short years ago, when we talk to senior citizens on fixed incomes who are finding out when they turn on that light switch that their bill has increased, is it time, is it appropriate for us to seek an American energy solution?

Mr. TIPTON. Rather than encouraging energy development off of our shores, as the President has done with his $2 billion loan guarantee to Brazil to develop their offshore resources, if we’re going to make those kind of investments, if we’re going to look at that type of future, would it not be better for us to develop American energy on American soil to put Americans back to work and create American energy certainty? That’s what I say as come. The time is now.

This is a good piece of legislation for American security and American jobs.

Mr. MARKEY. I yield myself 1 minute.

I thank the gentleman from Colorado.

Yes, what the Republicans are saying is, in their bill, that they want a study for the wind. A ‘21st century study?’ Well, maybe they should study the fact that it’s very sunny in Florida. It’s very windy out in the Midwest and, as a matter of fact, so sunny and so windy that there have been 45,000 megawatts of wind installed over the last 6 years, in the United States, that there’s going to be 4,000 new megawatts of solar installed in the United States just this year.

Mr. TIPTON. I yield the gentleman an additional 30 seconds and a minute.

Mr. HASTINGS. And you’re going to study it. What we want to do is give the incentive for the wind and solar industry to continue their revolution.

I yield 5 minutes, if I may. Mr. Chairman, to the gentleman from New Jersey (Mr. HOLT), the ranking member of the subcommittee.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts, and I thank him for laying out all the shortcomings of his legislation, this oil-above-all legislation. It really is nothing but a big giveaway to Big Oil.

The only jobs it will create will be in the boardrooms and the executive offices of the Big Oil companies because, since 2005, even as ExxonMobil, Chevron, BP, and Shell have made more than $650 billion in profits—need I repeat that? $650 billion in profits—they eliminated more than 11,000 jobs, U.S. jobs, American jobs. And this is even while wind and solar were creating 50,000 jobs.

Yes, there’s a mismatch here. The bill before us presented by the Republicans says we’ll study to see how much solar and wind energy might come from these lands in the future instead of saying let’s get these energy sources of the 21st century rolling in these lands. It’s not a plan to get. The Markey amendment would have set standards for what we would get.

Now, the Republicans have a long record of protecting tax breaks for Big Oil while cutting clean energy initiatives. That’s what we see here.

But what I wanted to talk about is the damage that would be done under this legislation. Health officials today here in Washington have warned people to avoid the heat and stay indoors. I don’t think they had in mind that we stay indoors to pass legislation that choke's off public health protections, that modifies the Clean Air Act to make it ineffective, and yet that’s what this bill does.

By rejecting clean energy and pushing only for more fossil fuels to blanket the world with heat-trapping pollution, the Republican majority is essentially turning off the world’s air conditioner and turning on the heater.

There is a reason that the term “fossil fuel’s” applies—actually, two reasons. One is that these are derived from ancient plants that have decayed deep in the Earth and have produced petroleum. But there is another reason. “Fossil” means “archaic.” “Fossil” means “out of date.” “Fossil” does not mean “21st century.”

Yet that’s where this legislation is taking us—in the wrong direction and in the wrong direction with regard to environmental protection.

In the wake of the Deepwater Horizon disaster, we shouldn’t be playing games with safety and the environment. The spill exposed a woefully inadequate environmental review process that was done prior to the oil and gas leasing. The review done prior to the BP spill was so sloppy that response plans talked about protecting walruses. Obviously, they were
just, in an unthinking way, using old Alaska pages.

Tourism is the lifeblood of so many of our coastal communities. As the economy is struggling to recover, we can’t risk the kind of environmental damage that derails economic progress in the long run. We must understand the risks of drilling, and we should strengthen the protections, not weaken them. Furthermore, there will be damage done to the whole leasing process.

For my colleagues on the other side of the aisle who are so nephews—putting some real standards—some expecting of good performance from oil companies—would somehow interfere with their production, let me point out some good news. Today, the Interior Department announced the results of an oil and gas lease sale in the Gulf of Mexico.

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

Mr. MARKEY. Would the Chair tell me how much time is remaining?

The Acting CHAIR. The gentleman from Massachusetts has 8 1/2 minutes.

Mr. MARKEY. I yield an additional minute to the gentleman from New Jersey.

Mr. HOLT. I thank my friend.

According to the Interior Department, today’s leases that were bid on today, which have some lease standards apply that require increasing rental rates, and the very thing that the folks on the other side of the aisle here say would be killers, would stop the drilling—were record-setting lease sales, bringing in $11.7 billion even with these new conditions for offshore drilling; and they’re saying what works here offshore won’t work on the lands that we are talking about in this legislation.

Now, I’ll tell you what’s a killer in this. A killer is the relaxing of the public health and environmental standards in the legislation. That’s literally a killer.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), whose State has tremendous resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I support this legislation. It’s long overdue. Title VI of this legislation is a good step forward in Pet 4 in Alaska, so it is with great amazement that I listened to the two previous speakers.

Wind power, you can take and cover every acre of the United States, including the parks and refuges, and put solar panels on them, but you’ll only produce 20 percent of the consumption of energy we use today. Now, think about that—no parks, no refuges—all solar panels, and we’re going to take care of the problem. By the way, it has to be a battery-driven system and made by rare earths from China.

That’s what this is all about. It’s nonsense.

The idea that wind is going to solve the problem and that solar is going to solve the problem, that’s nonsense because, in reality, fossil fuel, to this day, is the only fuel that can move an object, ladies and gentlemen. It moves your car, it moves your truck; it moves your plane; it moves your train; and it moves your ship that brings all the product to and from the United States. You’re not going to do it with a battery on your hat. You’re not going to do it with solar panels that have to cover every acre of the United States of America. It’s because we’re collecting the power of the Sun down here at the bottom of the pyramid. We’re not collecting from the source. If you want to go far, if you want to be really reaching into the future, collect it up there and beam it down to a point where we can create electricity.

This is a good bill because, ladies and gentlemen, Mr. Turro said it right. In his bill we do have action on wind and solar, although it will not work, and we know it won’t work. We need fossil fuels now until we have the time to produce another source of energy that does not need a large battery to run a car. We’re going to plug a car in? Nonsense. It won’t happen, because you need to produce energy from some other source to create the electricity. You’re against nuclear power. You’re against hydrogen. By the way, you’d like to take and grow our way into new power by using corn—a food—for energy. That’s absolutely nonsense.

Shame on you to say this is not a good bill. This is a good bill. It’s not a nonsense bill.

Today, the NPAR remains in various stages of exploration, and experiences no shortage of interest from producers. However, there have been a series of bureaucratic delays that have impeded production from this vast area. This bill seeks to remedy that situation and give the American people the energy resources they need.

The Trans Alaska Pipeline System is running at one-third capacity. Soon, without the additional income, that pipeline will no longer be economical to operate. Carrying 11% of our Nation’s supply, TAPS is critical infrastructure for this nation that must be protected. This winter TAPS was shut down for a period of days and fuel prices on the West Coast shot up immediately in a drastic manner. Luckily, NPAR is only tens of miles from existing pipeline infrastructure that leads into TAPS.

A few weeks ago, clearly acknowledging that increased supplies will bring down energy prices, President Obama released 30 million barrels of oil from the Strategic Petroleum Reserve. The National Petroleum Reserve—Alaska has 2.7 billion barrels and already has infrastructure in place to bring the oil to market!

Title VI of this legislation is a good step towards harnessing the potential that these federal lands in Alaska have to provide domestic energy supplies.

Mr. MARKEY. Again, I ask how much time is remaining on both sides. The Acting CHAIR. The gentleman from Washington has 17 1/2 minutes.

Mr. MARKEY. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from South Carolina, a member of the Natural Resources Committee, Mr. DUNCAN.

Mr. DUNCAN of South Carolina. I thank the chairman.

There can be no national security without energy security. Let that sink in. There can be no national security without energy security.

House Republicans support a truly all-of-the-above energy policy, not one put forth by the Obama administration and House Democrats, which basically is an all-of-the-above, except for X, Y, and Z, policy, which blows through Americans’ hard-earned tax dollars by chasing phantom solutions to our energy needs with companies like Solyndra. “All of the above” means opening up Federal lands for energy production and exploration, and it puts Americans to work.

Americans simply need to look to one western State to see a microcosm of what America could be with an energy-driven economy. That State is North Dakota. When you get off the plane in North Dakota, they give you a job whether you need one or not. They’re approaching a zero percent unemployment rate—zero. It is an energy-driven economy. It is the microcosm of what this Nation could be if we would pursue an energy-driven economy.

Energy from Federal lands could be a reality. Energy from the Outer Continental Shelf could be a reality if we would embrace opening up American resources for production, which is like the folks in North Dakota have done on State and private lands. This is good policy for America. Energy policy works.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to another member of the Natural Resources Committee, the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act. This important legislation begins to put in place a true all-of-the-above energy plan, a type of plan that has been missing since this President came into office in 2009.

This legislation will expand oil, gas, and renewable energy development on Federal lands to help increase the supply of energy and lower energy prices for consumers. It will also give relief to drivers who are paying high prices at the pump every month due to very costly EPA regulations that are scheduled to go into place.

This legislation also contains a bill that I introduced, the BLM Live Internet Auctions Act. This section of the bill is supported by my friends on the
opposite side of the aisle here and even the administration. The BLM Live Internet Auctions Act will bring the BLM Lease Auction program into the 21st century by allowing BLM to conduct online leases just like the private sector has been doing for over 100 years.

We need an all-of-the-above energy policy. The President even talked about an all-of-the-above energy policy in the State of the Union. I’m convinced that what the President means by an all-of-the-above energy policy is anything and all and any that we can put on the ground, because it seems like he doesn’t want us going after our own natural resources.

If we had an energy policy that said, Look, we’re going to draw a line in the sand, and over the next 10 years we’re going to become energy independent and secure in America, we’re going to go after the trillions of barrels of oil that we already own, we’re going to harvest the vast volumes of natural gas and oil that we own, we’re going to continue to mine and harvest coal and use it environmentally soundly, we’re even going to expand our nuclear footprint because it’s the safest and most reliable form of energy on the planet. and, we’ll even look at wind and solar and find out where those renewable energy sources fit into an overall scheme, but we’re not going to sit on the sidelines any longer and be beholden to foreign countries for our energy. if we had that kind of vision backed with regulatory reform that said to the regulatory agencies like the EPA and the Department of the Interior. Starting today, you become partners in progress with America’s industries and businesses—if you’ve got a national security or public health or public safety reason for saying “no,” then say “no.” But don’t let “no” be the final answer.

I think the American people have an expectation that their elected officials and their representatives make no sense.

I urge my colleagues to support H.R. 4480, the Domestic Energy and Jobs Act. I certainly do, and I urge them to, as well.

Mr. MARKEY. I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I would like to thank you, Mr. Markey, and Mr. Hastings, as well, for the time.

Mr. Chairman, my friends on the other side of the aisle keep on using this mantra, “all of the above, all of the above, all of the above.” I think they should really name it “oil above all.” Oil above all would be a better name because it’s very clear that this bill is really just a wish list and a checkoff for the big oil industry. It weakens public health protections, it forces arbitrary giveaways on public land, it puts energy drilling ahead of all uses of federal land. This is not a long-term energy solution. The oil and gas and coal industries are already getting billions in corporate welfare. They will receive at least $110 billion in subsidies over the next 10 years. These subsidies have been won by decades of lobbying. In 2011, the oil, gas, and coal industries spent $167 million lobbying. But in comparison to the return on their investment, $167 million is small because they got subsidies of $110 billion. It is lucrative, it is a very lucrative decade of lobbying.

They don’t even need our help, Mr. Chairman. In 2011, just last year, the Big Five oil companies made $137 billion in profits. That’s good by any measure. Why in the world would an industry that makes $137 billion in profits need the help of the American people with these tax breaks that the Republican majority won’t even agree to get rid of?

This bill is simply checking off from Big Oil’s wish list.

It weakens public health protections. It forces arbitrary giveaways of public land. It puts energy drilling ahead of all other uses of federal land. This is a very good bill. If it becomes law, H.R. 4480, the Domestic Energy and Jobs Act, will put people back to work. It will be a great giant step toward creating energy independence for this country. And, yes, indeed, my colleagues, it will bring down the price of gasoline at the pump, which has actually doubled in 9½ years under President Obama’s watch.

As a member of the Energy and Commerce Committee, let me focus on one specific title of this legislation: The Strategic Energy Production Act. The Strategic Petroleum Reserve that we have in this country is about 700 million barrels of oil. Mr. Chairman, that reserve is there for a situation of a domestic crisis, not a political crisis. We use 20 million barrels of oil a day in this country. If you assume that 60 percent of it was domestically produced and we had to import 8 million barrels of oil a day, then think about how many days it would last if we truly had a crisis and OPEC cut us off completely from what we import. That reserve would last about 90 days. That is a 3-month period of time. Yet, President Obama wants to take that reserve and use it for political purposes.

This title of the bill, Mr. Chairman, just simply says that every ounce of oil that he takes out of the strategic reserve, we would increase that same amount on Federal lands.

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

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentleman.

Mr. GINGREY. I thank the gentleman.

Here is an important point, my colleagues. What this President has done has simply cut the production on Federal lands by 11 percent on his watch.

Let’s pass this bill so that we do create jobs, we put people back to work, we become independent in this country, and not dependent on nations that hate us.

Mr. MARKEY. Mr. Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, I rise today in support of H.R. 4480. The average American family buys 1,100 gallons of gasoline per year. If the price of gas fell just $1 from the current national average of $3.49, families would save $1,100 a year.

For far too long, this administration has prioritized politics over the needs of the American people, and today in this body we have an opportunity to work together and do what’s right for the future of this country. The Domestic Energy and Jobs Act will help ease the pain at the pump, create jobs, and push this country towards energy independence.

This commonsense legislation would put several costly and potential burdensome EPA regulations on hold while an analysis of the potential costs and consequences of these rules is
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done. To me, it is unthinkable that we wouldn’t ask agencies to consider the impact of a regulation on jobs and the economy, particularly at a time of such economic uncertainty.

To boost our energy production, the Domestic Energy and Jobs Act, as I’ve mentioned earlier, will require the Department of the Interior to act on oil and natural gas lease applications and will cut red tape on opening up new reserves in Alaska. This legislation would also restrict the Strategic Petroleum Reserve from being tapped unless the administration develops a plan to explore for additional sources of oil.

Let me put this in perspective. As a young Army officer in Korea in 1973 and 1974, there was an oil embargo. OPEC cut off oil production and sending it to the U.S. We only got heat 3 hours a day. We had to keep the heat for our tanks and our aircraft to protect this Nation. So it is one of strategic importance, and energy is a very important source of that.

Mr. MARKEY. I will yield myself 1 minute at this time. I would just like to review, once again, the Republican “all-of-the-above” plan: One, light, sweet crude oil. Two, sour, high sulfur oil. Three, heavy oil. Four, tar sands oil. Five, oil shale. And oh, just to mix it up, a little natural gas. What they forgot was, of course, wind, solar, geothermal, and biomass. And they won’t even allow us to have an amendment out here on the floor in order to have a debate over it.

But that “oil above all” agenda you have, it is very comprehensive, and I give you credit for figuring out every single way that we can help all the oil companies in the United States at the expense of all the renewable energy industries.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I would like to thank the chairman for yielding. I rise in support of the Domestic Energy and Jobs Act. You know, America’s been blessed with an abundance of natural resources under our feet and offshore our shores. We have the largest coal reserves in the world. New technologies are making it possible to unlock vast new reserves of oil and natural gas. We need to do everything possible to safely and responsibly develop those natural resources because doing so will create good, high-paying jobs, and it will improve national security by reducing our dependence on energy from unstable regions of the world.

Higher gas prices are a cruel tax. They’re a cruel tax on hardworking Americans who’ve done all we can to get back and forth to work. Higher gas prices are a cruel tax on seniors living on a fixed income. And unfortunately, this administration is full of people that are pushing a radical environmental agenda that’s hostile to energy development. They believe the solution is to force the price of traditional energy supplies to skyrocket so that alternative green energy becomes artificially competitive.

Alternative energy should be a part of the mix. But the reality is that fossil fuels will be the main source of our energy for at least the next two generations, and it’s fantasy to suggest otherwise.

Now we do support an all-of-the-above strategy, but that all-of-the-above strategy also includes an all-of-the-below strategy. We support developing those resources that are below our feet and off our shores. That’s why I am proud to support the Domestic Energy and Jobs Act.

Mr. MARKEY. At this time I yield myself 2 minutes.

You know, I hate giving all the bad news to the Republicans. But I’ll give you some more bad news. You hate to hear it, but I will give it to you anyway.

In 2011, in terms of new electrical generation in the United States, 33 percent came from natural gas, 29 percent from wind, 20 percent from coal, and 8 percent from solar. Got that again? Wind and solar were about 37 percent of all new electrical generating capacity in the United States in the year 2011. But you guys want to study it. You want to have more information about this technology.

And by the way, in that study, you should also throw a few other things—a single device from which you can talk to your family, send emails, and watch that Iranian Ayatollah attacks us, there’s a war in the Middle East, and who do we have to pay the ransom to? To the Big Oil companies today—would then have to sell to ExxonMobil and the other Big Oil companies 200 million acres of Federal lands for ExxonMobil and the other Big Oil companies to drill on. And do you know what the Ayatollah said that? That he would pay this ransom to us. And that even the Ayatollah attacks us, there’s a war in the Middle East, and who do we have to pay the ransom to? To the Big Oil companies of the United States, if we deploy the Strategic Petroleum Reserve.

Now how nonsensical is that? That is an absolutely crazy idea, that the oil companies become the beneficiaries of a Middle Eastern conflict. They get the public lands of the United States, 200 million acres that we have to sell them simultaneously. It’s almost a trigger that you throw into this solar and wind study that we also don’t need to have studied that you can also throw in there as part of your technological and scientific phobia that refuses to have you admit that things are already happening.

And by the way, something else you are refusing to admit that happened—during Bush’s term as President, the price of oil hit its high in the year 2006, down, down, down from 2001–2008. Do you know what happened once Obama took over? Up, up, up, up. So much oil drilling, in fact, that all the rigs in the world combined are not matching what Obama is able to do with his term of total oil rigs out there. And we are now at an 18-year high in oil.

Maybe you should study this. Maybe this is hard for you to understand. I’ve heard all the Members out here saying that there is a jihad against oil being waged by the Obama administration. It just doesn’t match any of the evidence.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I will advise my very good friend from Massachusetts that I am prepared to close if he is prepared to close.

Mr. MARKEY. I will yield myself the balance of my time.

I am proud to support the Domestic Energy and Jobs Act.
amendment on wind and solar, geothermal, biomass, plug-in hybrids, all new technologies and efficiency that back out the need for all this oil to ever come in in the first place. And as a penalty, the country will use this Strategic Petroleum Reserve as a weapon of national security against OPEC, that if the President uses it, we have to sell 200 million acres of American land to the oil companies so that they can even drill for bargain basement prices here in the country.

This bill is absolutely the wrong recipe for our country as we head into the 21st century. I urge a “no” vote.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 7 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, it is hard to know where to start as I close the debate on this portion of the bill because there’s been so much information out there and so much information that, frankly, I won’t say it is untrue, but it’s not exactly accurate.

Let me start with the idea that the price of gasoline has dropped with this administration. In January of 2009, the average price of gasoline in this country was $1.82 a gallon. Now what is magic about January 2009? Well, that was the month that the President was inaugurated and the price of gasoline was $1.82 a gallon. Today, the average price of gasoline is $3.48. Now if your math is such that the price of gasoline drops when it starts at $1.82 and ends at $3.48, you’ve got fuzzy math. But that’s what we keep hearing.

Furthermore, we have heard I don’t know how many Members on the other side speak, but I dare say each one of them said that this is a giveaway to oil and gas companies and not helping renewable energy development. And that means all-of-the-above. That means above ground. That means underground, as my friend from Mississippi said. That’s what we are attempting to do. But to suggest that this is a giveaway when precise language applies to all energy production, frankly, is inaccurate.

So with that, Mr. Chairman, I urge my colleagues to support this piece of legislation.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. I rise today in opposition to H.R. 4480, the Domestic Energy and Jobs Act.

While I support pieces of H.R. 4480, unfortunately I cannot vote for the bill because I believe it will actually create more regulatory confusion and impediments for our domestic producers. Title I, for example, requires the Secretary of Energy to develop a plan to increase domestic oil and gas leasing from onshore and offshore federal lands that are under the jurisdiction of the Departments of Agriculture, Energy, Interior, and Defense within 180 days of a release of petroleum from the Strategic Petroleum Reserve. A new government bureaucracy at the Department of Energy would develop this plan, which duplicates the oil and gas leasing programs at the Department of the Interior and Agriculture. During a House Energy and Commerce Hearing on the bill, the Secretary of Energy expressed many concerns about their ability to effectively do this.

I am also concerned with Title III of the bill, which would overturn the multiple-use principle established in the Federal Land Policy and Management Act of 1976. This would undermine the basic principle which has guided the management of public lands for 35 years.

I also have concern with Section 206 of the bill, which would require the Environmental Protection Agency to consider industry costs when determining what level of air pollution is “safe.” By doing this we would be rolling back one of the core aspects of the Clean Air Act— a requirement that was passed on a bipartisan basis over 40 years ago, signed into law by a Republican President and unanimously upheld by the Supreme Court in 2001. I plan to offer an amendment that would strike section 206 and I hope that my colleagues will support it.

As a strong supporter of policies that encourage and support domestic energy production, my hope is that in the future, the House takes up legislation that deals with this important issue without including controversial policy riders that prevent bipartisan support in the House and movement in the Senate.

The CHAIR. All time for general debate has expired.

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

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–24. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4480
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 “Domestic Energy and Jobs Act”.

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

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

TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS
Sec. 101. Short title.
Sec. 102. Plan for increasing domestic oil and gas exploration, development, and production from Federal lands in response to Strategic Petroleum Reserve drawdowns.

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES
Sec. 201. Short title.
Sec. 202. Transportation Fuels Regulatory Committee.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY
Sec. 301. Short title.
Sec. 302. Onshore domestic energy production strategic plan.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY
Sec. 401. Short title.
Sec. 402. Minimum acreage requirement for onshore lease sales.

TITLE V—STREAMLINED ENERGY PERMITTING
Sec. 501. Short title.
Sec. 502. Onshore oil and gas permits.

Subtitle A—Application for Permits to Drill Process Reform
Sec. 511. Permit to drill application timeline.
Sec. 512. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Protest Documentation Reform
Sec. 521. Administrative protest documentation reform.

Subtitle C—Permit Streamlining
Sec. 531. Improve Federal energy permit coordination.
Sec. 701. Short title.

That was a drawdown.

Sec. 201. SHORT TITLE.

of petroleum in the Strategic Petroleum Reserve


Sec. 501. Definitions.

Sec. 502. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.


Sec. 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

"(k) PLAN.—The Secretary shall consult with the American Petroleum Institute, and the Secretary of Defense, additionally, in developing the plan, the Secretary shall consult with the American Association of Petroleum Geologists and other State, environmentalist, and oil and gas industry stakeholders to determine the most geologically promising lands for production of oil and natural gas liquids.

"(4) COMPLIANCE WITH REQUIREMENTS.—Each Federal agency described in paragraph (1)(A) shall comply with any requirements established by the President pursuant to the plan, except that no action shall be taken pursuant to the plan if in the view of the Secretary of Defense such action will adversely affect national security or military activities, including preparedness and training.

"(5) EXCLUSION.—The lands referred to in paragraph (1)(A) shall not include lands managed under the National Park System or the National Wilderness Preservation System.

"(6) SAVER.—Nothing in this subsection of petroleum products in the Reserve Act of 2012.

"(1) CONTENTS.—

This title may be cited as the "Strategic Energy Production Act of 2012."
of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of using Federal funds relating to prevention of significant deterioration of air quality, or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an amount of Federal funds that is identified as a greenhouse gas in the rule entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act (42 U.S.C. 74) Federal Register 66496 (December 15, 2009).

SEC. 204. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate shall make public and submit to the Committee on Energy and Commerce of the House of Representatives (for the purposes of this section referred to as ‘Committee’) a preliminary report containing the results of the analyses conducted under section 203.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after such submission.

(c) FINAL REPORT.—Not later than 60 days after the close of the public comment period under subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 203, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 205. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 204(c): (1) “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 2000–AQ96; and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in such subsection.

SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL PRIMARY AND SECONDARY AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 301. SHORT TITLE.

This title may be cited as the “Planning for America’s Energy Future Act of 2012.”

SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.), as amended by submitting section 44 as section 45, and by inserting after section 43 the following:

“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

(a) IN GENERAL.—(1) The Secretary of the Interior (hereafter referred to as ‘Secretary’), in consultation with the Secretary of Agriculture with regard to lands other than national forests, shall, as part of the Secretary’s responsibilities under this Act, develop and publish every 4 years a quadrennial Federal onshore energy production strategy. This strategy shall direct Federal land energy production and development resource allocation in order to promote the energy security of the United States.

(2) In developing this strategy, the Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.

(3) The Secretary shall determine a domestic strategic plan for the development of resources on Federal and State lands.

(b) REPORTING.—The Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the program of meeting the production goals set forth in the strategy. The Secretary shall identify in the report projections for production and capacity installations and any problems with leasing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.

(c) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 12 months after the date of enactment of this section, the Administrator shall submit to the President and Congress an updated environmental impact statement for the strategy.

(d) EXECUTION OF THE STRATEGY.—The relevant Secretary shall have all necessary authority to make determinations regarding which actions may be taken and in order to meet the production objectives established under this strategy. The Secretary shall also take all necessary actions to achieve these objectives within the time frame established by the President. The President shall determine that it is not in the national security and economic interests of the United States to increase Federal onshore oil and gas production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing of lands that are accessible for leasing at the time the lease sale occurs.

(4) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing each strategy, the relevant Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

(5) QUADRENNIAL STRATEGIC PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress the first quadrennial Federal onshore energy production strategy on the amendment made by subsection (a).
are available for leasing at the time the lease sale occurs.

SEC. 403. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 186) is amended by inserting ``(1)'' before ``All lands'', and by adding at the end the following:

``(2)(A) The Secretary shall not withdraw any covered energy area designated under this Act without finding a violation of the terms of the lease by the lessee.

(B) The Secretary shall make a specific reason for the delay, and a specific date a

advertisement to conserve the resources of the United States.''

SEC. 404. LEASING CONSISTENCY.

Federal land managers must follow existing

resource management plans and continue to ac-

tivities under such a lease, a period of 15 days if the Secretary has

withdrawn any lease parcel after a competitive lease

sale has occurred and a winning bidder has sub-

mit the last payment for the parcel.

``(4) Not later than 60 days after a lease sale

held under this Act, the Secretary shall adju-

protests, leases, and permits under this Act sub-

(1) IN GENERAL.—Not later than 90 days after

application is submitted to the Secretary.

(F) Not later than 60 days after a lease sale

held under this Act, the Secretary shall adju-

procure a description of the denial from the Sec-

their description of the denial from the Sec-

Title V—STREAMLINED ENERGY

PERMITTING

SEC. 501. SHORT TITLE.

This title may be cited as the “Streamlining Permitting of American Energy Act of 2012”.

Subtitle A—Application for Permits to Drill

 Reform

SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows:

``(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days

after receiving an application for the permit. The Secretary may extend such period for up to

2 periods of 15 days each, if the Secretary has given the delay to the appli-

ment. The notice shall be in the form of a letter

the employee is assigned; and

(B) NOTICE OF REASONS FOR DENIAL.—If the application is not accepted, the Secretary shall pro-

in writing, clear and comprehensive rea-

sions will be submitted by inserting a statute of the employee's home agency; and

(C) APPLICATION DEEMED APPROVED.—If the Secretary has not made a decision on the appli-

Title V—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM

SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

Section 17(p)(1) of the Mineral Leasing Act (30 U.S.C. 226(p)) is further amended by adding at the end the following:

``(4) PROTEST FEE.—

(A) IN GENERAL.—The Secretary shall collect a

5,000 documentation fee to accompany each protest for a lease, right of way, or application for permit to drill.

(B) TREATMENT OF FEES.—Of all fees collected under this paragraph, 50 percent shall be re-

tained by the Secretary of the Interior to be used, subject to appropriation, by the Bureau of Land Management to process permits, right-of-

way applications, and other activities necessary for renewable development, and, at the discre-

tion of the Secretary, by the U.S. Fish and

Wildlife Service or other Federal agencies in-

volved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management lands.

Subtitle B—Administrative Protest Documentation Reform

SEC. 531. IMPROVE FEDERAL ENERGY PERMIT CO-

ORDINATION.

(a) ESTABLISHMENT.—The Secretary of the In-

terior shall establish a Federal Permit Streamlining Project (referred to in this section as the “Project”) in every Bureau of Land Management field office, as necessary, and shall require the employee to be assigned to the office to which the employee is assigned.

(b) MEMORANDUM OF UNDERSTANDING.—In general, not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of under-

ning the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including in-

spection and enforcement relating to energy de-


(c) FUNDING.—Funding for the additional per-

sonnel shall come from the Department of the Interior reforms identified in sections 511, 512, and 521.

(f) SAVINGS PROVISION.—Nothing in this sec-

tion affects

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(g) DEFINITION.—For purposes of this section the term “energy projects” includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

SEC. 532. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of ex-


SEC. 533. POLICIES REGARDING BUILDING, AND WORKING FOR AMERICA.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) this title will support a healthy and grow-

ing United States domestic energy sector that, in

turn, helps to reinvigorate American manufac-

turing, transportation, and other sectors by enabling the vast numbers of American workers to assist in the development of energy from domestic sources; and

(2) Congress will monitor the deployment of personnel and materials under this title to encourage the development of American tech-

nology and manufacturing to enable United
States workers to benefit from this title through good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American energy resources.

(b) REQUIREMENT.—The Secretary of the Interior shall, when possible and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.

Subtitle D—Judicial Review

SEC. 541. DEFINITIONS.

In this title—

(1) the term "covered civil action" means a civil action containing a claim under section 702 of title 5, United States Code, for the violation of agency action (as defined for the purposes of that section) affecting a covered energy project on Federal lands of the United States; and

(2) the term "covered energy project" means the leasing of Federal lands of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease, except that the term does not include any disputes between the parties to a lease regarding the obligations under such a lease regarding regarding any alleged breach of the lease.

SEC. 542. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

SEC. 543. TIMELY FILING.

To ensure timely reviews by the courts, a covered civil action must be filed no later than the end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 545. STANDARD OF REVIEW.

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation. In addition, courts shall limit the duration of preliminary injunctions to halt covered energy projects to no more than 60 days, unless the court finds clear reasons to extend the injunction. In such cases of extensions, such extensions shall be limited in 30-day increments and shall require action by the court to renew the injunction.

SEC. 547. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code, (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

SEC. 548. LEGAL STANDING.

Challengers filing appeals with the Department of the Interior regarding leases of Land Appraisals shall meet the same standing requirements as challengers before a United States district court.
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better maximize bidder participation, ensure the highest return to the Federal taxpayers, maximize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–540. 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 controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–540.

Mr. HASTINGS of Washington. 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 3, line 1, insert “OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION” after “DOMESTIC”.

Page 5, after line 39, insert the following (and redesignate the subsequent quoted paragraphs accordingly):

“(4) CONCURRENCE.—The plan required by paragraph (1) shall not take effect without the concurrence of each of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense with respect to elements of the plan within the jurisdiction, respectively, of the Department of Agriculture, the Department of the Interior, and the Department of Defense.

Page 31, strike lines 1 through 3 and insert the following:

(g) DEFINITION.—For purposes of this section the term “energy projects” means oil, natural gas and renewable energy projects.

At the end of section 605 (page 39, after line 4) add the following:

(d) ADDITIONAL INFRASTRUCTURE.—Within 180 days of the date of enactment of this Act, the Secretary of the Interior shall approve, after consultation with the State of Alaska and public comment, right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

At the end of section VI (page 39, after line 22), insert the following:

SEC. 1. COLVILLE RIVER DESIGNATION.

The designation by the Environmental Protection Agency of the Colville River Delta as an Aquatic Resource of National Importance shall have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may have on my amendment.

Mr. Chairman, the Natural Petroleum Reserve-Alaska, or NPR-A, was specifically designated as a petroleum reserve back in 1923. It’s a place that we can develop our resources for energy and national security. Title VI of this bill will ensure that production can occur on NPR-A by requiring at least one annual lease sale, streamline the permitting process to ensure lease sales lead to energy production, and ensure a right-of-way plan to allow for the transportation of the product out of NPR-A.

In addition to making technical corrections, this amendment aims to accomplish two vital goals that are imperative for facilitating development at NPR-A. First, it will require, at the request of the State of Alaska, up to two additional rights-of-way planned in and out of NPR-A. This would prepare for future development by providing approved rights-of-way in and out of this area.

Secondly, it would repeal the designation of the Colville River as an Aquatic Resource of National Importance. This designation was blatantly used by the anti-energy EPA as nothing more than a tool to stop energy development on this area.

While the President puts his energy record and speaks of his support for leasing and energy development in the NPR-A, he fails to mention that due to red tape from his administration, Alaskans have waited for years and years for approval to build a simple bridge across the Colville River to begin production in NPR-A. What you do not hear is that the EPA has paid no attention to the Colville River until after ConocoPhillips filed its application for a bridge. It was shortly after that application that EPA declared it was an Aquatic Resource of Natural Importance. And it was that action that stopped the development and production for nearly a decade before approval of this simple bridge and pipeline.

What the Obama administration says and what the administration does to promote energy development in Alaska are entirely two different things. So those two things that I mention in this amendment would give Alaskans the assurance they need to create jobs and encourage development of the NPR-A.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise to claim time in opposition to this amendment.

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

Mr. MARKEY. Mr. Chairman, when manager’s amendments making technical changes to legislation are presented, such amendments are accepted and we move on to amendments making substantive changes to the bill. In this instance, however, among the technical changes made by this manager’s amendment is a controversial provision flatly overturning an EPA provision. The provision should not be made at all, but it certainly should not be made as part of a manager’s amendment.

As part of the review process for beginning energy production in the National Petroleum Reserve in Alaska, the EPA designated the Colville River, the largest Arctic river in Alaska, as an Aquatic Resource of National Importance. To be clear, this designation did not stop the proposed project. ConocoPhillips has already received approval to build a gravel road, including a bridge over the Colville to access their oil field. The National Importance designation simply required a heightened level of review before the project moved forward. For Congress to overturn this EPA finding through a provision buried in what is supposed to be a technical manager’s amendment is not appropriate.

Mr. Chairman, I doubt a single Member of this House has an informed opinion regarding whether the Colville River is an Aquatic Resource of National Importance. But I will tell you who does have an informed position on this question, and that is the scientists in Alaska working for the Environmental Protection Agency.

This provision is an ill-informed sneak attack on an agency decision, and for the purposes of this debate, it has no place in a manager’s amendment. It should be a stand-alone amendment that we’re debating. Because of the inappropriate nature of it, being inside of the manager’s amendment, I would have to oppose this provision.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just briefly, there are technical amendments in here which I acknowledge and the gentleman did acknowledge, and there are two substantive changes, and I acknowledge both of those.

Now, I just want to repeat, he talked about the issue that the Colville River was an aquatic resource of national importance. He’s basing that as the reason why we should not adopt this amendment.

I want to point out again, and I made this observation in my remarks, the Colville River was not designated this until after—and I want to say this slowly; sometimes you don’t hear things in this echo chamber—after Conoco wanted to develop the NPR-A. When they developed the NPR-A, they
had to have access across the Colville River. But the EPA said all of a sudden: Wait a second, this might be a good time to make that change. That’s pure politics, Mr. Chairman.

And I will say this. I was up in Alaska last year, and I stood right by the spot where they want to build a bridge across the Colville River. The Colville River there is not very large, and to suggest it falls into that category and we should not adopt this amendment flies right in the face of common sense. So with that, I urge my colleagues to adopt this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

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

Mr. MARKY. 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 Washington will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–540.

Mr. POLIS. 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:

At the end of title I (page 6, after line 6) insert the following:

SEC. 1910. LIMITATION ON HYDRAULIC FRAC-TURING.

No lease or other authorization may be issued under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, for the conduct of any activity related to hydraulic fracturing within 1,000 feet of a primary or secondary school.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would better protect the health of children by providing for a 1,000-foot buffer between schools and oil or gas drilling using the technique commonly known as fracking.

Hydraulic fracturing is a national issue, and that I urge my colleagues to provide accommodations possible. Directional drilling means we can actually locate wells miles from schools and still extract the oil and natural gas resources we need and make sure that our children remain healthy.

I’m hopeful that my colleagues on both sides of the aisle support this commonsense amendment that will protect public health, ensure the safe development of natural gas and promote domestic energy production.

I urge a “yes” vote on this amendment.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. Chairman, this amendment would really restrict the ability to produce energy on Federal lands, and I think, quite frankly, it is purely a political amendment.

Rather than allow existing environmental protections and reviews to ensure that we have safe drilling operations, this amendment seeks to use an arbitrary standard that, frankly, is more of a scare tactic than good science; and it would actually harm local districts, people living closest to drilling sites. The analysis found volatile organic chemicals to be five times the level at which the emissions are considered potentially harmful to public health, according to EPA’s hazard index.

The Medical Society of New York has recently urged cutting with expanded drilling because of concerns about health impacts. And data collected by the National Oceanic and Atmospheric Administration has shown increased ground level ozone and other pollution and rate of fracturing.

But the risks go beyond just air quality. In April 2010, there was a major blowout in Pennsylvania at a hydraulic fracturing well site. Gas and tainted brine spewed 75 feet in the air for 16 hours. These kinds of blowouts happen far too often.

Even the best regulated activities have accidents; but fracking, as we all know, is far from the best regulated activities. We need to keep it away from our kids. It shouldn’t be done near our schools, and I urge support for the gentleman’s amendment.

Mr. POLIS. Mr. Chairman, I yield myself the remainder of my time.

I would ask my colleagues to ask themselves, would they want their kids to be 300 feet, 500 feet, every day from a fracking site? Three hundred feet is the size of one football field. Fracking is scientifically documented as producing air pollution. We know the level of air pollution that is promoted, and it is measured.

Advances in technology make reasonable accommodations possible. Directional drilling means we can actually locate wells miles from schools and still extract the oil and natural gas resources we need and make sure that our children remain healthy.

I’m hopeful that my colleagues on both sides of the aisle support this commonsense amendment that will protect public health, ensure the safe development of natural gas and promote domestic energy production.

I urge a “yes” vote on this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

Mr. HINCHey. Mr. Chairman, I rise in strong support of the gentleman’s amendment, which would prohibit hydraulic fracturing on public lands from taking place within 1,000 feet of our schools. This major industrial activity has significant public health risks and has no business being near our kids.

Hydraulic fracturing wells emit huge quantities of smog-forming chemicals, volatile organic compounds, hazardous air pollutants like benzene, as well as methane. These pollutants cause serious health problems.

This past March, the Colorado School of Public Health released a report based on 3 years of monitoring that found higher cancer, respiratory, and neurological health risks among people living closest to drilling sites. The analysis found volatile organic chemicals to be five times the level at which the emissions are considered potentially harmful to public health, according to EPA’s hazard index.

In addition, it would infringe upon the ability of Native American tribes to lease their lands for energy development.
to manage their lands and their resources. It’s bad policy, particularly for the consequences of tribal lands that are trying to develop their energy resources. This would restrict their ability to do that.

Now, we’ve heard the other side talk about why we need to do this, and the implication is that we need to do this to protect drinking water at our children’s schools that may become contaminated from hydraulic fracturing. Now, Mr. Chairman, I want to say this very clearly. This information of contamination is based on absolutely no science or factual evidence. As a matter of fact, to put an exclamation point on that, earlier this week, the gentleman who is offering this amendment, his governor, Governor Hickenlooper of Colorado—who, I might add, is a Democrat—was quoted as saying—and I’ll say the whole quote here, and I’ll say it as slowly as I can so everybody can understand what Governor Hickenlooper said.

There have been tens of thousands of wells in Colorado, and we can’t find anywhere in Colorado a single example of the process of fracking that has polluted groundwater. Now, I didn’t say this, I am quoting the governor of the gentleman who offered the amendment, his State.

Mr. Chairman, I just have to say. I believe this is a politically motivated amendment, and it, frankly, does not even deserve debate on that. So I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

The Acting CHAIR. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

Mr. QUIGLEY. Mr. Chairman, 2 years ago, the largest accidental marine oil spill in the history of the petroleum industry raveled our gulf coast. We passed legislation, we convened commissions, and we swore that we would learn. Have we? I fear the answer is no, and I’m not the only one.

In April of this year, the Presidential panel that investigated the explosion gave the Obama administration a B, the oil industry a C-plus, and Congress a D for refusing to act on any of the recommendations of the commission.

The bill that stands before us today seeks to increase domestic oil and gas production and reduce regulation of the energy industry. I’ve said it before and I’ll say it again, sometimes this place feels like Groundhog Day, and I am firm in the spirit of déjà vu, I am offering an amendment today that mirrors legislation I introduced in the 111th Congress as a response to the BP oil catastrophe.

The amendment would reconfigure the existing presumption that extraction comes first and conservation comes second. The measure would change our Nation’s Outer Continental Shelf policy and mandate precaution from a derivative that may imply that protection of the environment is secondary to expeditious development; declares that protection and maintenance—and where appropriate, restoration—of ocean ecosystems and coastal environment is of primary importance; makes clear that OCS leasing, exploration, and development will be authorized in limited areas of the ocean only when science shows that those initiatives can proceed with minimal risk to the health of the marine environment and coastal area.

The Acting CHAIR. The Chair recognizes the gentleman from Colorado (Mr. HASTINGS) for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, we had a discussion on this very issue in the Energy and Commerce Committee,
and we made very clear that the language dealing with the Strategic Petroleum Reserve did not affect existing land management policies or management policies, or those policies in place to protect our resources.

So, again, we actually adopted an amendment by Chairman DINGELL, the gentleman from Michigan, the chairman emeritus, to make sure that we restated that this does not change or affect our Federal land management policies and those intended to protect our resources. So we made that clear in the Energy and Commerce provisions in this bill as well.

Mr. HASTINGS of Washington. With that, then, Mr. Chairman, the arguments have been made. I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–540.

Mr. MCKINLEY. 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 8, line 6, redesignate subsection (d) as subsection (e).

Page 8, after line 5, insert the following:

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, under this legislation, Congress creates a Transportation Fuels Regulatory Committee with the Secretary of Energy chairing the committee.

My amendment is simple. It will require the Secretary and the committee, during their deliberation, to consult and receive input from the National Energy Technology Laboratory.

If we're going to analyze and report on the impacts of the rules and actions of the EPA on our Nation's fossil fuels, then we should make sure that the committee established under this legislation consults with our Nation's fossil energy laboratory. NETL is our only governmental research, design, and development laboratory dedicated to domestic energy sources. It's only fitting that we make that are included in this process.

NETL works with academia on over 275 projects across this country, as well as private entities, having provided over 450 projects in 2011, nearly 400 private sector projects, and over 100 not-for-profit laboratories. NETL's work in 2011 alone provided over 2,000 projects, 89,000 jobs, and over $18 billion in total funding in every State in every congressional district.

NETL's research and development into transportation fuels sector began back in 1918 in Bartlesville, Oklahoma, with petroleum research. In fact, synthetic gas research began at NETL in 1946.

To note some other successes, NETL worked on commercializing academia and private industry to develop horizontal drilling in our Nation's natural gas fields.

Now, some say that Secretary Chu, being the chairman of this committee, will consult with his own fossil energy team. Maybe that's true, Mr. Chairman, but this is the same Secretary of Energy who has worked with President Obama to slash our fossil energy research budget by 40 percent over each of the last 2 years. This is the same Secretary of Energy who should be promoting coal, oil and gas, but, instead, makes derogatory comments, such as "coal is my worst nightmare."

What can we do here today is ensure that the Transportation Fuels Committee and the Secretary consult with our government's fossil energy experts. If you support having input from government, private sector, and academia experts, then support of this amendment would be appreciated.

Mr. Chairman, I wish to thank Chairman UPTON for his support of this.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112–540.

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

The Acting CHAIR. The Clerk will designate the amendment.

The amendment was agreed to.
Chairman of the gentleman from West Virginia.  
Mr. MCKINLEY. By the way, I'm just a little happy right now, I just got a text that the Cleveland Indians won their baseball game tonight, 15-14. It's a tournament he's playing in. So be nice over there now.  
Mr. Chairman, once again I would like to reference the Transportation Fuel Act Regulatory Committee created by H.R. 4480. My amendment will look at the analysis that the committee will develop.  
One of the problems our oil and gas industry faces is the vast, ideologically motivated regulations they must endure. However, other nations do not seem to impose such burdensome policies and regulations upon them. Instead, countries in the Middle East and Asia promote their oil and gas industries, making it easier for these countries to get their gas products to market.  
This amendment would require the committee to conduct an analysis of other nations' regulations, policies and enforcements, or lack thereof, of their oil and gas industries. Saudi Arabia, China, and India do not overwhelm their oil and gas industries with excessive regulations. They help them to thrive.  
This committee needs to look at what these other nations are doing to grow, stabilize and sustain their oil and gas industries, and ultimately compare it to what we're doing here in the United States. We ought to help our industry, and this amendment helps to show how we can improve and stop hindering development of our natural resources.  
Ultimately, I offered this amendment because we are supposed to be a Nation leading by example over the rest of the world. The American economy and millions of people unemployed or underemployed we really ought to be saying to our regulators, just because you can doesn't mean you should. Just because you can doesn't mean you should.  
Mr. Chairman, again, I wish to thank Chairman UPTON for his support of this amendment and the opportunity to offer it here. I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, rise in opposition to the amendment.  
Mr. WAXMAN. Mr. Chairman, title II of this bill blocks the EPA from finalizing several important air quality rules until after a new government bureaucracy produces a new analysis of these and other EPA actions. But it’s a fool's errand because a new government bureaucracy is required to conduct an impossible analysis of rules that haven’t even been proposed using data that doesn’t exist.  
The bill would block the EPA from issuing new tier 3 standards for motor vehicles and fuels to reduce harmful tailpipe emissions that cause smog and deadly particle pollution. Smog and soot pollution can trigger asthma attacks, heart attacks, and even premature death.  
The bill would block the EPA from issuing long overdue rules to require refiners to use modern technology to reduce their emissions of toxic air pollutants. The pollutants cause cancer, birth defects, neurological damage, and other serious health problems.  
The bill would also block the EPA from issuing rules necessary for States and localities to implement the 2008 ozone standard. This would leave the outdated 1997 ozone standard in place. Even the Bush administration thought this standard was too weak. In addition, the bill would block the EPA from updating the ozone standard to reflect the best available science on the health effects of breathing dirty air.  
During the legislative hearing on this bill, Chairman WHITFIELD stated, "It is not the intent of this legislation to roll back an existing clean air standard." That claim is laughable for a bill that radically changes the Clean Air Act by barring the EPA from setting
air quality goals based on what the science tells us is safe to breathe. But if Republicans want to claim that this bill is not an attack on the Clean Air Act and public health, there should be no objection to my amendment.

My amendment simply states that, notwithstanding the bill’s provisions and notwithstanding all that’s in this bill, the EPA administrator cannot delay implementing any of the rules targeted by the bill if the air pollution that would be controlled by those rules causes serious harm to human health, including asthma attacks, heart attacks, cancer, birth defects, brain damage, or premature death.

This is a simple choice between oil industry profits and Americans’ health. The top five oil companies earned $137 billion in profits last year. They can afford to clean up their pollution.

Instead, this bill would make Americans pick up the tab for the oil companies. Like other studies, the American Lung Association states that the American public pays $101 billion a year to clean up pollution. These industries pay that tab with their health and even their lives. The air quality protections blocked by this bill are especially important for the most vulnerable among us—our babies, kids, old people.

Oil refineries are among the largest emitters of toxic air pollution, and they are often located near where people live, but this bill would indefinitely delay the EPA’s ability to require oil refineries to clean up pollution such as benzene, which causes cancer and contributes to birth defects and developmental harm in babies.

Republicans argue these rules would only be delayed for a while, but many of these rules have already been delayed for far too long. The Republicans’ claim assumes that the interagency committee can actually complete the impossible study required by this bill. Even if that were possible, there would still be no deadlines for these new rules as the bill eliminates existing deadlines and sets no new ones. American rely on the Environmental Protection Agency to hold polluters responsible for cleaning up their pollution. It’s just common sense. If you stop the EPA from doing its job, public health will suffer.

So time to come clean. If you want to pass a bill to stop the EPA from doing its job and allow polluters to pollute with impunity, be honest with the people. Tell them you think that we have done enough to reduce air pollution and that you want to stop any further efforts to clean up air pollution, but don’t pretend that this get-out-of-jail-free card for oil industry polluters won’t hurt the health of Americans, especially our children and the elderly.

If, on the other hand, you don’t want to block efforts to clean up air pollution that is contributing to asthma attacks, heart attacks, lung disease, cancer, birth defects, neurological damage, and premature death, then support my amendment. My amendment will make it perfectly clear that the EPA can continue to clean up air pollution that causes serious health effects.

I urge my colleagues to support this amendment. I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. GARDNER. Mr. Chairman, we heard a lot of powerful words there: ban, bar, block. The fact is that this bill does not ban, bar, or block these regulations. In fact, nothing prevents and nothing bars, bans, or blocks the EPA from developing rules on their current schedule. And nothing bars, bans, or blocks the EPA from protecting the public health and the environment as the law requires them to do. In fact, it’s quite commonly known that the EPA is unlikely to even finalize these rules prior to the completion of the study.

We’ve already got tremendous protections in current law, stringent regulations, some of which were just issued yesterday. I think my colleagues ought to take a look to understand what impact regulations are going to have on the cost of people’s energy.

Our colleagues mentioned picking up the tab. I’ll tell you who else is picking up the tab: people in poverty. They are picking up the tab of increasing energy costs, which is making it more and more difficult for them to make ends meet. They are picking up the tab of rising gas prices, costing $50, $60, $70 a tank to fill up with gas to drive to work. That’s who is picking up the tab, our constituents who are trying to lift themselves up and out of poverty and are having difficulty trying to make ends meet because of rising energy prices, because this Congress refuses to enact legislation that says, Hey, let’s look before we leap and understand the impact these regulations are going to have on the price of gasoline.

Again, the purpose of the bill is to require a study. Nothing in this bill requires the administrator of the EPA from the responsibility to issue rules required by the Clean Air Act or any other legal obligation. Nothing in this bill changes the EPA’s obligation to protect the public health. Nothing in this bill prohibits the EPA from developing and proposing new regulations, taking public comments, or from preparing a final rule, a process that typically requires at least a year. In fact, it would be highly unlikely, as I said before, that the EPA would be able to both propose and finalize this rule before the study was finished.

Our colleagues also mentioned that we don’t know enough information about proposed regulations to study them. EPA’s own action development process—the EPA works, their own internal action development process—requires that the analysis of a regulation start early in the rule development. So they’re already talking about what impact these have, including the President’s own executive orders that require agencies to perform analysis and consider the cumulative effects of regulations. So this is an unnecessary amendment.

Our colleague mentioned some of the most toxic emitters of air pollution. There’s a lot of people around the country that believe the most toxic emitter of air pollution is Congress. In this case, some of those arguments have been used in the bill on this amendment.

I would just urge my colleagues to vote “no” on this amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. GARDNER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. There is a regulation for Tier 3 standards for automobiles that will reduce sulfur and other emissions that are very harmful. EPA’s analysis says that will contribute a penny per gallon for gasoline. That is the kind of rule that would be stopped under the existing bill, and there is an enormous health impact.

When you talk about people in poverty, they can afford a penny a gallon on gasoline and the oil companies can afford to absorb a penny a gallon. Especially with all of the health and lives that can be enhanced by removing some of these very dangerous chemicals.

Mr. GARDNER. Reclaiming my time, again, I’m not in a position to tell constituents who may find it tough to make ends meet that it’s okay if we increase your price of gasoline by a penny here and a penny there, a couple of pennies, maybe even a nickel.

Mr. WAXMAN. But you claim that it’s going to increase it by many dollars, and I think you’re incorrect.

Mr. GARDNER. Reclaiming my time, we know that a penny increase in a gallon of gasoline, the Federal Trade Commission has said, can be a significant burden, meaning as much as $4 million to individuals and businesses around the country for every single penny in the increase of the price of gasoline.

Again, this does not prevent the EPA from developing rules on the current schedule. It says, Look before you leap. That’s why I object to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

Mr. GARDNER. 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 California will be postponed.
AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-540.

Mr. CONNOLLY of Virginia. 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:

On page 14, after line 9, insert the following:

SEC. 207. CORPORATIONS ARE NOT PEOPLE.

Section 302 of the Clean Air Act (42 U.S.C. 7420) is amended by adding at the end the following:

``(ii) PUBLIC HEALTH.—The term ‘public health’—

‘‘(A) refers to the health of members of the species homo sapiens; and

‘‘(B) does not refer to the health of corporations or any other non-living entities.’’

The Acting CHAIR. Pursuant to House Resolution 69, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Acting Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, throughout the 112th Congress, the Republican leadership has invested a staggering amount of time and effort into gutting our Nation’s clean water and air protections. As of this month, this House has voted 247 times in support of anti-environmental bills, amendments, and riders, including 77 votes devoted to dismantling the Clean Air Act alone.

As we debate yet another bill that seeks to gut the public health and welfare protections provided by that act and as we witness Democratic attempts to protect public health get defeated time and again on party-line votes, one is tempted to cynically dismiss H.R. 4480 as the Republican leadership’s latest offering to their good friends in Big Oil. However, this bill contains an interesting provision that gave me pause, frankly, since it seems to hint that disagreements over protecting public health, when setting national ambient air quality standards, may actually stem from fundamental philosophical differences between the two parties.

One provision in particular begs for clarification since it’s not every day that Republicans starkly disagree with Justice Antonin Scalia in regard to statutory interpretation as they do in revising or subverting national ambient air quality standards for ozone.

Mr. Chairman, I must respectfully disagree with that interpretation since Justice Scalia’s statutory interpretation of section 109(b) was anything but ambiguous.

To quote Justice Scalia’s unanimous opinion in Whitman v. American Trucking Associations, Inc., in regard to potentially considering cost when setting ambient air quality standards to protect public health, he said:

‘‘The cost factor is both so indirectly related to public health that the cost could not be considered when setting those standards to protect public health, I couldn’t figure out why my Republican colleagues were so committed to forcing the administrator to take those very factors into account. But then it dawned on me that since the Clean Air Act actually never defines the term “public health,” perhaps there is some confusion concerning who or what comprises the public. After all, if one believes that corporations are people, then the term “public health” would obviously have a different meaning to that individual compared to my own or Justice Scalia’s.

Thus, my simple amendment would clarify the term “public health” in the Clean Air Act only as it pertains to the health of people and not corporations or other nonliving entities, and it’s a simple fix to clear any confusion and restate congressional intent. By adopting this amendment, Mr. Chairman, Congress can reaffirm the principle that corporations are not people and ensure the lack of definition for the term “public health” in the Clean Air Act does not cause any confusion, particularly for certain individuals who may be under the misguided impression that corporations are, indeed, people.”

I urge my colleagues to support this simple amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. GARDNER. The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Again, I believe this amendment is unnecessary, talking about ambiguities and the silence in the law when it comes to the Clean Air Act in question. Here is where the issue of cost was silent, and we are simply saying we ought to have the issue of cost brought into this.

When the term “public health” appeared in the first Federal Clean Air legislation in 1955, its ordinary meaning was “the health of the community.” In the American Trucking decision, as you pointed out, the Supreme Court affirmed that the definition of public health is “the health of the public” and does not refer to the health of nonliving entities.

The Clean Air Act requires that ambient air quality standards be established to protect the public health with an adequate margin of safety. Nothing—nothing—in H.R. 4480 changes the definition of “public health.” Again, let me say that: Nothing in H.R. 4480 changes the definition of “public health” in the Clean Air Act or any obligations. It doesn’t change any obligations to set such human health-based standards.

So I would urge a “no” vote on this amendment, and with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

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

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-540.

Mr. GENE GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, lines 1 through 9, strike section 206 (relating to consideration of feasibility of other air quality standards for ozone).

The Acting CHAIR. Pursuant to House Resolution 69, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of my amendment.

I would like to vote for this bill, but it goes way too far.

Mr. Chairman, I represent five large refineries and 20-plus chemical plants, so I’m very sensitive to what regulatory compliance can mean to a company’s economic success. But for over 40 years, the Clean Air Act has required the Environmental Protection Agency to set the level of each ambient air quality standard in what is necessary to protect public health. They do this because EPA’s job is health, not economic impacts.
Again, for over 40 years, Republicans and Democrats have agreed to this principle, which was passed on a bipartisan basis in the 1970s and signed into law by a Republican President and unanimously upheld by the U.S. Supreme Court.

This amendment would strike section 206 of the bill, which would require the EPA to consider industry costs when determining what level of air pollution is "safe." But economic and compliance costs are already considered several times throughout the regulatory process, which is why section 206 is not necessary.

The EPA conducts a regulatory impact analysis for a range of emission standards when they propose the standard. Then they do a second regulatory impact analysis when they choose the final standard before it is sent to the Office of Management and Budget for review.

The regulatory process works. Last September, the Office of Management and Budget did not allow EPA to move forward with a revised ozone NAAQS standard because they felt that the costs of compliance would be too high for the regulated industries at this point in the economic recovery. To use a Texas saying, let's not throw out the baby with the bathwater.

Section 206 is a policy rider that undermines 40 years of bipartisan agreement, and I encourage my colleagues to support my amendment that would strike it.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I have great respect for my colleague from Texas. We've worked on a couple of pieces of legislation together over the last year and a half that I have been on the committee. I have the honor of serving with him on the Energy and Commerce Committee. But I also must rise again to oppose the amendment from our colleague from Texas.

Once again, under this bill, nothing in the gasoline regulations act stops the EPA from developing rules on their current schedule. Nothing in this prevents the EPA from protecting the public health and the environment, as the law requires them to do.

But as we talked in the previous amendment, consideration of the cost and the feasibility of these major rules is elsewhere throughout the law. And it is warranted because, in this case, a failure to consider those costs could hurt jobs and the economy. We need to know.

In fact, costs are required in other parts of the Clean Air Act. And EPA must consider costs in the context of setting New Source Performance Standards, automobile emission standards, aircraft emission standards, fuel additives, and reformulated gasoline standards. And it's also a matter that you have to consider costs when setting future drinking water standards in the Safe Drinking Water Act.

And if you hearken back to last year when President Obama decided that he was going to withdraw his last ozone rule, one of the comments that he made when he was withdrawing that ozone rule, which we argued would have greatly imperiled our economy—here's a quote from President Obama:

I have continued to underscore the importance of reducing the burdens and regulatory uncertainty, particularly as our economy continues to recover.

So when the President was talking about the Clean Air Act, he recognized ozone; he recognized the importance of taking a look at our economic uncertainty and the economic uncertainty of his last ozone rule.

So I appreciate our colleague's amendment, but I certainly have to oppose it at this time. I urge the rest of my colleagues to oppose it as well.

With that, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleague from Colorado for her work on the amendment offered by the gentleman from Texas (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

The Clean Air Act was adopted in 1970, signed by President Nixon. Changes were made in 1990, signed by President George H.W. Bush. The heart of the Clean Air Act has been that EPA relies on the best science possible to determine what level of pollution is harmful for people to breathe. They decide what is safe. And based on the science, the EPA sets a quality standard. This is the standard to protect public health. Then they take into consideration, at the State level, that we have a huge industrial capacity, we actually work with our State agency and EPA to make sure we can economically do that within a timeframe.

That's why this amendment should be acceptable. Mr. Chairman, and I would encourage Members to vote for this amendment when it comes up for a vote tomorrow.

I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, again, to reiterate, to restate this point: Nothing in this bill—nothing in this bill—changes the EPA's obligation to protect the public health with an adequate safety margin. Nothing changes the obligation to protect the public health.

And with that, Mr. Chairman, I yield back the balance of my time.
SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211 of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(I), by inserting “a problem with distribution or delivery equipment necessary for the transportation or delivery of fuel or fuel additives,” after “equipment failure,”;

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: “(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions and the clause (i) supporting a waiver determination will exist for more than 20 days);”;

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following: “(vii) PRESumptive Approval.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be deemed waived for the period of time requested.”

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109-58, 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting “biotufuels,” after “oxygenated fuel,”;

(B) in paragraph (2)—

(i) in subparagraph (B)—

(1) by redesignating clause (ii) as clause (III);

(II) in clause (i), by striking “and” after the semicolon; and

(III) by inserting after clause (i) the following:

“(I) the renewable fuel standard; and”; and

(IV) in subparagraph (G), by inserting “or Tier III” after “Tier II”; and

(2) in subsection (b)(1), by striking “2006” and inserting “2014”.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Thank you, Mr. Chairman.

My amendment is a rather simple one and I hope all of my colleagues can support it.

Many of us remember the devastation brought on by Hurricanes Katrina and Rita. I believe people on both sides of the aisle recognize the meteoric rise in gas prices and the threat of having no gas at all. When supplies are interrupted, it’s critical to restore fuel for consumers as soon as possible. We continue to operate in an environment in which the fuel required in one market may not satisfy the requirement set by the EPA in another market, i.e., the fuel in Chicago may be different from the fuel in St. Louis, especially in the summertime.

If supplies of fuel are disrupted, whether from a national emergency or from a simple equipment failure, the consumers can be affected in a very significant and adverse way. When gas stations run out of gas, our constituents suffer. When suppliers run short of fuel and the market drives up prices, the constituents suffer. Not every supply disruption is covered in the existing statute. But every supply disruption that can happen hurts consumers. That is what this amendment is doing: Ensuring that the Administrator has the authority to serve the best interests of our constituents—our consumers—when fuel prices are affected.

Further, asking these consumers to wait a prolonged period of time before issuing a ruling that could restore supplies to their market is unacceptable. Time is of the essence when we are trying to avert these fuel shortages and price spikes. It’s important that the decisions regarding the economic welfare of our constituents are made in a timely manner.

The underlying bill that we have here before us is about doing what we can to keep the price of fuel as low as possible. The amendment would broaden the times where EPA can grant a waiver to an area to use whatever fuel they have on hand when there is a disruption. Right now, the authority only exists for natural disaster or emergency. Not all disruptions are covered. This amendment expands upon the waiver to include any disruption. Because we have refineries closing in the Northeast and we have a limited ability to move product due to Jones Act requirements, we need to ensure that any region is never in a position of doing without fuel.

The second part of my amendment calls for the EPA and DOE to conduct the Fuel Harmonization Study that EPACT 05 directed them to complete by June, 2008. And here we are in 2012 and we don’t have the study. It simply tells them to get on it. We want the Harmonization Study completed.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR (Mr. CRAWFORD). Mr. WAXMAN, Mr. Chairman, I rise to claim time in opposition to this amendment.

Mr. WAXMAN. Mr. Chairman, this amendment would change the law—the Clean Air Act—that authorizes EPA to waive pollution control requirements for motor vehicle fuels where there’s an extraordinary circumstance. Well, we want that ability to waive that law. And EPA is already allowed to do that.

But the Terry amendment provides that if EPA doesn’t act in 3 days, it’s automatically granted. And that’s not enough time for EPA to act. Often, a request for a waiver is incomplete. We don’t know exactly why they’re asking for the waiver. They haven’t come up with all the information. It may not specify the area that could be covered. It may not be clear on exactly which fuel parameters are waived.

So under this amendment the EPA would have to choose between two bad options. They could reject the waiver and then perhaps approve a revised version a few days later when EPA gets the necessary information. Well, that doesn’t make any sense. Fuel suppliers are going to be confused. They may be forced to present a situation where they need some rule. Or, EPA can allow an ambiguous and confusing waiver request to become effective. Again, this would just leave fuel suppliers confused and uncertain as to what they have to do. Since the waiver would become effective automatically, how would fuel suppliers even find out it had gone into effect? It’s also unclear what constitutes a waiver of request.

I think there’s a lot of confusion in this proposal. I don’t know why existing law should be changed. If there’s been a problem, we haven’t heard any testimony on this. We haven’t had any hearings on this in our committee.

Requiring laws and regulations to be waived hastily, based on incomplete information, and for potentially long periods of time, is simply bad policy. These provisions are part of a public process which allows all parties to participate and all relevant information to be considered. But without limits, waivers could effectively rewrite regulations without public input.

That’s why the Clean Air Act waiver provisions, which were adopted in 2005, are narrowly crafted.

So I have a lot of misgivings about this policy. I don’t know why we need it. I don’t know why we haven’t had a hearing on it. It can lead to some very bad results.

I reserve the balance of my time.

Mr. TERRY. I appreciate the gentleman’s remarks, but it’s really not as draconian a measure as it may appear from his comments. When a waiver is requested, it’s usually by a government entity for a region, usually with Governors, and there still has to be a disruption. If there’s a disruption to the point where a government entity has to request a waiver from the oxygen requirements for the summer fuel for that particular region, that disruption is going to be well known and well documented. It won’t take them more than 3 days to do it, unless they’re intentionally dragging their feet.

Three days is sufficient. And if they refuse to act on that within that certain period of time, I think it’s completely appropriate for them to keep the blend with the supply that they would have.

So this is really a simple request, a simple amendment to make sure that price spikes don’t occur, that time is of the essence.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, a waiver request does not have to come from a public entity. It can come from elsewhere as well.

I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. This is just another example
Mr. RUSH. Mr. Chairman, I have an amendment that I'm offering today, the amendment that I'm offering today, gets right to the heart of the matter and simply states that:

Not later than 90 days after the date of enactment of this Act, the Administrator of the Energy Information Administration shall make a determination as to whether implementation of this title is projected to lower gasoline prices or create jobs in the United States within 10 years.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, while gas prices have subsided over the past few months, Americans are still very concerned about the issue of jobs and high unemployment. In my district and in the African American community in general, joblessness is far higher than the national average with some communities facing unemployment rates of up to 60 percent. Yet even with these staggering figures, we are here today debating a bill that will do absolutely nothing to address this critical issue that the American people are facing. Nada, zip, zero will it do.

Mr. Chairman, the House will only be in session a little over 20 more days before we recess in August; and after that, this House will barely be in session until after the November elections. During this limited time, we should be focusing our attention on legislation that will create jobs and move America forward towards a smarter energy future that is less vulnerable to the whims of the world's oil market.

However, there is nothing in this bill, H.R. 4480, that will do anything to address the issues most important to the American people. Neither jobs nor gas prices are dealt with in this bill.

Mr. Chairman, for inspection, the amendment that I'm offering today, gets right to the heart of the matter and simply states that:

Not later than 90 days after the date of enactment of this Act, the Administrator of the Energy Information Administration shall make a determination as to whether implementation of this Act is projected to lower gasoline prices or create jobs within the United States within 10 years.

The Acts CHAIR. Mr. Chairman, Congress should not remove long-standing Clean Air Act requirements for EPA to set ambient air quality standards at the level necessary to protect human health.

Nor should the majority attempt to block and delay several EPA air quality and public health provisions under the guise of falsely claiming that these attacks on EPA will actually create jobs or reduce gas prices. Time and time again over the past year and a half, this Congress, under the majority party's leadership, has voted to roll back provisions of the Clean Air Act.

Mr. Chairman, I urge all of my colleagues to vote for the Rush amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acts CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, I want to tell a little bit of a story. I grew up and live in a very small town in the eastern plains of Colorado. There are about 3,000 people who live in this small town. And when I was growing up, there was a mother and her daughter who lived across the street from where I was growing up in a little home. They had an older car. And in this small town, the grocery stores, gosh, can’t be more than four blocks away.

When they went to the grocery store, they walked. As the years went by and the mother got older, they still walked to the grocery store. In the winter, a lot of times they walked. And in the summer, they walked.

I remember asking them one time, they have a car, how come they're not driving? It’s just four blocks away. And as she got older and it was more difficult to walk, her response was because we can’t afford the gas. That’s four blocks driving. It’s a lot of gas. You can’t use much gasoline. But the fact is, the price of gas mattered to that family. It made the difference of getting groceries, putting food on the table.

We talk about people’s ability to afford health care. If you’re left with the option of getting to work or buying health care insurance, what are you going to do? What choice are you going to make?

I’m making sure that we have abundant, affordable energy, we are making sure that families can make ends meet easier, that they can make those choices to go see the doctor when they need to, because high prices of energy contribute to the impact the families to lift themselves out of poverty to make sure that they’re improving their own lives.

Your amendment would stop the look that we’re asking to take at what regulations do when it comes to the price of
gasoline, when it comes to the price of energy. Nothing in this bill prevents the EPA from developing rules on their current schedule, but it does say we need to understand the impact that they are going to have on the price of gasoline, because not all those neighbors of mine are the people interested in what government is doing to increase the cost of them getting to the grocery store or not, and maybe they could drive when it’s cold outside.

Mr. RUSH. Will the gentleman yield? Mr. HOLT. I yield to the gentleman from Illinois.

Mr. RUSH. I am so glad you used the story and told the story of your neighbor, because your neighbor is not unlike my neighbors. They’re suffering from unemployment; they’re suffering from high gas prices. But what confuses me and what’s gotten me astounded is the fact that in this bill, your neighbor, her problems, my neighbor’s problems, the problems of all the Members, all the Members of Congress, our neighbors’ problems, our problems aren’t addressed.

All I’m asking for is that if the EIA—a fairly knowledgeable agency, an agency that is respected—if they determine after looking at the provisions of this bill and say that this bill will not create one job, this bill doesn’t address rising gasoline prices.

Mr. GARDNER. Mr. Chairman, if I could reclaim my time so that I can have the ability to close on my amendment, and I appreciate my colleague’s debate on this.

But again, this issue is not about stopping or blocking the EPA from doing it, because they’re fully able to develop rules on their current schedule. Nothing prevents them from protecting the public health and the environment as the law requires them to do—nothing. So your amendment, though, when you talk about rules affecting gas prices could be delayed until the report is completed because those rules could increase gas prices; that’s all we’re trying to do. Allowing a single member of this committee, which your amendment would do, to circumvent the analysis would defeat the purpose of the act.

Gas prices impact, as we know, all parts of our economy, and we need to have multiple experts. But the EIA, of which your amendment deals with, doesn’t have the expertise in national competitiveness. They don’t have the expertise in job impacts or agriculture or health benefits analysis.

Again, I think we have just got to be at the point where we let the American people know what’s happening to the price of gasoline because of these regulations.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. 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 Illinois will be postponed until 5:30 p.m.

The amendment is offered by Mr. HOLT.

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–540.

Mr. HOLT. 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 17, after line 17, insert the following:

The Strategy under this subsection would seek to ensure that the percentage of onshore Federal oil and gas leases under which production is not occurring is reduced during the next 5-year period.

The Acting CHAIR. Pursuant to House Resolution 560, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the bill before us tonight would elevate energy production above all other uses of public lands, in reality, contradiction of the principles of multiple use under the Federal Land Management and Policy Act. This would be the ultimate and the complete disregard of other recreation activities. Yet the plan envisioned by the majority’s bill does not require that the Interior Department consider the tens of millions of acres of public lands that oil companies are just sitting on and not using.

Right now, oil companies have roughly 25 million acres of public land onshore on which they are not producing oil. Even worse, oil companies are not even beginning drilling activities on the vast majority of these nonproducing areas. In fact, last month the Interior Department released a new report which found that oil companies have nearly 21 million acres onshore under lease on which they have not even begun conducting exploration activities.

Well over half of the public lands that oil companies have under lease onshore are idle. They are warehousing these leases. They are sitting on these leases. My amendment would require that the Secretary reduce the number of nonproducing leases as part of the plan for energy development on public lands that would be established under the underlying bill.

Before we risk disrupting additional public lands, let’s begin by getting the oil and gas industry to use the leases they have. It’s simple: No seconds while your plate is still full. It’s the height of cynicism that the industry would be squatting on these leases at the same time it is asking us to give them more land that belongs to the Americans. I reserve the balance of my time.

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

Mr. RUSH. I am so glad you used the story and told the story of your neighbor, because your neighbor is not unlike my neighbors. They’re suffering from unemployment; they’re suffering from high gas prices. But what confuses me and what’s gotten me astounded is the fact that in this bill, your neighbor, her problems, my neighbor’s problems, the problems of all the Members, all the Members of Congress, our neighbors’ problems, our problems aren’t addressed.

All I’m asking for is that if the EIA—a fairly knowledgeable agency, an agency that is respected—if they determine after looking at the provisions of this bill and say that this bill will not create one job, this bill doesn’t address rising gasoline prices.

Mr. GARDNER. Mr. Chairman, if I could reclaim my time so that I can have the ability to close on my amendment, and I appreciate my colleague’s debate on this.

But again, this issue is not about stopping or blocking the EPA from doing it, because they’re fully able to develop rules on their current schedule. Nothing prevents them from protecting the public health and the environment as the law requires them to do—nothing. So your amendment, though, when you talk about rules affecting gas prices could be delayed until the report is completed because those rules could increase gas prices; that’s all we’re trying to do. Allowing a single member of this committee, which your amendment would do, to circumvent the analysis would defeat the purpose of the act.

Gas prices impact, as we know, all parts of our economy, and we need to have multiple experts. But the EIA, of which your amendment deals with, doesn’t have the expertise in national competitiveness. They don’t have the expertise in job impacts or agriculture or health benefits analysis.

Again, I think we have just got to be at the point where we let the American people know what’s happening to the price of gasoline because of these regulations.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.
Mr. MARKEY. I thank the gentleman.

I have a suggestion to succinctly tell the whole story about the tens of millions of acres that oil companies are allowing to sit idle. Fox should create a new TV show for the oil companies holding all these idle wells, and it could be called "American Idle," with Exxon and Chevron and BP and all those companies as the contestants. Every week, the oil companies can come and sing their sad tune about needing more taxpayer-owned land to drill even as their lease blocks are left lonely for years at a time and they don't drill at all.

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

The Acting CHAIR. The gentleman from New Jersey has 2 minutes. The gentleman from New Jersey has 2 minutes.

Mr. HOLT. Mr. Chairman, let me just repeat. Right now, the oil companies have 25 million acres of public land onshore on which they are not producing. They have 21 million acres of public land onshore under lease on which they are not even conducting exploration activities.

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

The Acting CHAIR. The gentleman from New Jersey (Mr. HOLT). The gentleman from New Jersey (Mr. HOLT). Mr. HOLT, the gentleman from New Jersey, the gentleman from New Jersey (Mr. HOLT) from New Jersey (Mr. HOLT). The gentleman from New Jersey has 30 seconds. The gentleman from New Jersey has 30 seconds.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. HOLT. Mr. Chairman, once again, to repeat, the nature of the lease sales that companies enter into is "use it or lose it." If they don't, within the time period of that lease, utilize that for production, they give it back. That's "use it or lose it." That's the law right now.

But let me respond here in the short time I have about comments that have been made earlier about increased American production. That's true, Mr. Chairman, and I'm glad for that. But the implication of that statement being made by my friends on the other side of the aisle is that it's because of the policies of this administration.

Mr. HOLT. Mr. Chairman, nothing could be further from the truth. It takes a while to get land or offshore up to speed and in production, sometimes many years. But the reason production is increasing in some areas and has been increasing—it's now going down on Federal lands—is because of actions of prior administrations. That is never said. It's because of prior administrations' actions, because the last 2 years of this administration, oil and natural gas, the production on Federal lands, has gone down.

And finally, the main reason why oil production has increased in this country is because it's happening principally in North Dakota and in west Texas, and it's on private land and/or State land. The Federal Government and this administration had absolutely nothing to do with the increase of that production. As a matter of fact, I think there were probably some efforts to try to slow that down.

But, at any rate, I had to make that point, Mr. Chairman. This amendment, again, has been around a few times. I suspect that if a vote is called on it that it will fail on a bipartisan basis again. I urge rejection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. 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 Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112–540.

Mr. CONNOLLY of Virginia. Mr. Chairman, on behalf of myself and Mr. LEWIS, I have an amendment at the desk.

The Acting CHAIR. The gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I rise to offer this amendment on behalf of my colleague, Congressman JOHN LEWIS.

Before I begin, I'd like to invite my colleagues on the other side of the aisle to refer to their pocket Constitutions, specifically page 21. There they'll find the First Amendment, which reads, and I quote:

Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

But we're doing exactly that. Yet, the language in this bill creates a new tax, at best, on the peaceable right to petition for the redress of grievances. It may be mistaken, Mr. Chairman, but when we read the Constitution, read it aloud here on the floor at the start of this Congress, a bipartisan exercise in which I was privileged to participate, I don't recall there being an asterisk at the end of the First Amendment saying, except, of course, if your petition stands in the way of Big Oil.

Yet, the language in this bill creates a brand new, $5,000 protest fee for any American citizen to challenge the granting of a drilling lease, right of way or permit.

I don't know about my colleagues, but it seems like we're abridging the freedom of speech and the right to petition the government for redress of a grievance. Once again, the Republicans in the House are happy to rush by the rights of the public to benefit their big friends in Big Oil. This is a capricious tax, at best, on the peaceable right to protest an act of the government that someone believes might harm the environment.

Not surprisingly, the bill does not apply a similar protest fee on someone who might want to protest the denial of a drilling lease or permit. One wonders why? Could it be that would be a tax on industry?
Mr. Chairman, the Bureau of Land Management objected to this fee in its testimony to the committee on this legislation, citing it as an inappropriate economic barrier to the public to seek judicial review or redress of an agency decision in their own interest.

I agree with that statement, but I don’t think it goes far enough. It doesn’t fully capture the full ramifications of it. It would trample on the First Amendment rights of the public. So much for the other side’s commitment to self-determination and district constructionists when it comes to the Constitution.

Mr. Chairman, I urge my colleagues to support this amendment and reject this assault on the Constitution and the First Amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I just want to clarify something. Absolutely nothing in this legislation, or this entire legislation, takes away the right of people to protest or petition for the redress of grievances. That is something that is held sacred, I think by all Americans, certainly all Members of this House.

During the oil and natural gas leasing exploration and development process, there are over a dozen opportunities for citizens to protest, or appeal, to comment, or to even completely halt energy development on public land.

Since the 1990s, however, the use of protests on Federal lands has increased by 700 percent through a considered effort by special interest groups to halt oil and natural gas development on our Federal lands. This explosion of protests is a concern to the Bureau of Land Management, or BLM, offices while they are working to handle the wave of new protests.

A formal protest of leasing is a legitimate step in oil and natural gas leasing process. However, and this is something that I think most people recognize, the abuse of protest to halt that development is something I think needs to be addressed.

So the $5,000 protest documentation fee in this legislation goes directly then towards helping the BLM process the onslaught of protests that are currently being paid by taxpayer dollars. It does not take away anyone’s right to protest, nor does it interfere with the nearly 15 ways someone can participate in government’s decision regarding Federal energy leasing or development.

This provision, as a matter of fact, will ensure that taxpayers’ dollars that are going through the normal process are spent protecting the environment and in the planning and the leasing, not tied up in processing paperwork related to endless protests filed by special interests with an agenda, which one has to conclude, of stopping oil and natural gas leasing.

I do want to mention, too, Mr. Chairman, that this amendment was also offered in infrastructure and natural resources, and it, too, was defeated on a bipartisan basis. I suspect that if this is brought to the floor it will probably be beaten on a bipartisan basis again, so I urge the rejection of this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I would inquire as to how much time remains on this side.

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I would yield the balance of my time to the gentleman from Massachusetts (Mr. MARKET).

Mr. MARKET. I thank the gentleman from Virginia (Mr. CONNOLLY).

Mr. Chairman, this provision reminds me of something that French author Anatole France once said. He said that the law, in its majestic equality, forbids the rich and the poor to sleep under bridges, to beg in the streets and to steal bread.

So, yes, under the bill’s petroleum protest poll tax, the rich as well as the poor are charged $5,000 as a fee to protest an oil company drilling plant that could undermine the environment or threaten the safety or the view of a particular individual; but the law is clearly targeted against the poor.

So if you are one of the super-rich like, say, Mitt Romney, having to pay a $5,000 fee to protest is nothing. It’s less than half of what you offer up when you make a friendly little bet with a friend. If you’re the Koch brothers and you want to stop the Cape Wind project from blocking your view out on the ocean, that’s a small price to pay to be able to undermine a project that you’re not happy with. For everyone else, this is basic economic discrimination.

This $5,000 fee isn’t just a tollbooth on the highway of justice. It is a brick wall.

Just by contrast, the United States Supreme Court—the highest court in the land—charges $300 to appeal a case. For an American citizen who is earning minimum wage, it would take 4 months to work for that. The fee in this legislation is a poll tax—an environmental poll tax, a poll tax that is going to be $5,000 a protest—and ordinary families. It is just wrong, unnecessary, but oh so obvious in what the agenda is. It’s not to block the Koch brothers from trying to block Cape Wind but, rather, just ordinary citizens from having their days in court so they can make their protests in a way that doesn’t bankrupt the families.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, I want to point out this poster behind me. I know one can’t read all of the details here, but this is the process by which somebody goes through a lease process to try to develop some activity on Federal lands. This is the process that one goes through, which, of course, is pretty long.

Now, I mentioned in my opening remarks that there are 15 different ways there can be a protest made or a voice heard, or whatever, in that whole lease process. At the back of me on this chart, it is denoted by the red dots. You can see all the way along, starting way over to my right, where right at the start there are places you can have input and that continues throughout, all the way to virtually the end.

When you have a process like this—and I will say it—in many cases, some of these red dots are used for frivolous purposes. Well, if they’re used for frivolous purposes, there has to be a way, it seems to me, for the government to win some way so that the government can do its job and do its work under the law as to those who are trying to lease public lands. That’s simply what the fee does because the fee goes to the agency that processes this.

That means you can ensure, from my point of view at least, that you’ll have a process that’s fair and open. Nothing is taken away. There are no red dots taken away whatsoever. We’re just simply saying there has to be a means by which we finance this process. I think this is a way to do it, so I would urge the rejection of this amendment.

As I mentioned, it has been rejected several times before. It was rejected in committee, and I hope it will be rejected on the House floor.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

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

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. AMODEI

The Acting CHAIR. The question is in order to consider amendment No. 14 printed in House Report 112–540.

Mr. AMODEI. 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:

Add at the end the following:

**TITLE — MISCELLANEOUS PROVISIONS**

**SEC. 1. LIMITATION ON TRANSFER OF FUNCTION FROM DOD OR BLM TO SURFACE MINING CONTROL AND RECLAMATION PROGRAM OR THE SOLID MINERALS LEASING PROGRAM.**


The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nevada (Mr. AMODEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. AMODEI. Mr. Chairman, the Domestic Energy and Jobs Act, in addition to developing our abundant oil and natural gas reserves, is also important for the purposes of recognizing another part of the energy sector, which are our mineral resources. An often-forgotten component of America’s economic engine and comparative advantage over other nations is our mineral and, yes, coal. Minerals and mine materials are the raw ingredients needed by every sector of our economy. This amendment is simple. It would prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management and merging it with the Office of Surface Mining Reclamation and Enforcement, the OSM. This amendment is necessary because, currently, the administration continues to proceed with plans to combine these two entities despite the fact that it has met with heavy bipartisan resistance and also resistance from stakeholders, including, yes, even environmental groups.

Last year, Secretary Salazar announced his intent to combine the OSM and a portion of BLM’s Solid Minerals program through a secretarial order. It appears to be in vogue these days—executive orders, secretarial orders. The problem missing here is: resort to Congress. Secretarial orders have looked at this and have concluded in the record that congressional action is needed to do this. So here we are, trying to forestall yet another secretarial or executive order that flies in the face of congressional authority.

In March of this year, the Department of the Interior indicated a desire to continue to evaluate this. This will result in unnecessary costs to taxpayers as more claims files in the face of previous administrations.

More importantly, OSM should not have the responsibility for leasing Federal coal. Under the Surface Mining Control and Reclamation Act, which is signed into law by this House, States are required to be responsible for the permitting and the regulation of coal mining and abandoned-mine land cleanup. Additionally, the Surface Mining Control and Reclamation Act expressly prohibits the commingling of employees of any Federal agency that promotes the development or use of coal—responsibilities of the Solid Minerals division of the BLM. It is a clear conflict of interest.

Finally, the OSM does not have offices in all Federal Western States and hard-rock mining does not fall under their jurisdiction, nor does it have any experience in the broad range of mineral commodities regulated by the BLM.

I ask for the Chamber’s support of this amendment that would stop the Department of the Interior from merging the operations of the BLM and OSM.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. AMODEI. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. I think you have a very good amendment, and I support that amendment. I thank the gentleman for bringing it to the floor.

Mr. AMODEI. Mr. Chairman, I reserve the balance of my time.

**2050**

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. MARKEY. Mr. Chairman, we know that the Republican majority thinks current law governing hard rock mining in this country is about as close to perfect as they can get, and we know that international mining giants like Barrick Gold and Rio Tinto agree with our Republican colleagues. The status quo is really ideal from their perspective. That is because the status quo allows these multinational companies to mine billions of dollars worth of gold, silver, and other minerals on Federal lands without paying a dime in royalties. That’s not to like if you’re a multinational offshore company coming into our country?

The law allowing this disgraceful windfall was signed by President S. Grant in 1872, where it sits immune from change, immune from improvement or update for 140 years. What we did not realize was just how far this majority will go to make sure even the smallest corner of the current setup is never, ever changed.

The administration has announced plans to consider whether merging some of the functions of the Office of Surface Mining and the Bureau of Land Management agencies and save the American taxpayers some money. The jury is still out on that idea, but we must ensure that we can continue to exercise proper oversight of mining activities on public lands and ensure that American taxpayers and States can continue to receive a proper return on these minerals.

A February report to Secretary Salazar recommended that the two agencies stay largely independent of each other. The merger plans have yet to be developed or announced and would likely be limited to money-saving ideas like combining human resource divisions, employee training programs, and fleet management operations. This streamlining could reportedly save as much as $5 million annually of taxpayers’ money, something that the GSA, perhaps, could take as a lesson as to how they should operate.

At the very least, the administration deserves the time to fully develop and present a plan that can be debated on its merits. But this amendment says “no.” This amendment would specifically prohibit the administration from even considering whether aspects of this idea have merit and would save the taxpayers money, which is the goal of the plan that the Department of the Interior is considering.

Not only do our Republican colleagues reject any and all efforts to bring the Federal mining law into the 21st century—I would even take the 20th century, for that matter—but they bristle at the very idea of thinking about ways to better organize the agencies overseeing mining on Federal lands.

We should let the administration do its job. We should also get serious about ending royalty-free mining on public lands. This amendment really misses the point entirely. We need to be more efficient. We have to save the taxpayers money, and we also have to make sure that these multinationals pay more to mine the minerals of the American people.

With that, I reserve the balance of my time.

Mr. AMODEI. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Nevada has 2 minutes remaining.

Mr. AMODEI. I yield 1 1⁄2 minutes to my colleague from the Buckeye State.

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in support of the Amodei amendment that would ensure that the Secretary of the Interior does not combine the two agencies with concerning missions into the same agency.

Late last year, the Secretary of the Interior tried to merge the Office of
The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. Markey) and a Member opposed each will control 5 minutes.

Mr. Markey. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Markey. Mr. Chair, I yield the balance of my time.

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

Mr. Amodei. Mr. Chair, I would just say that the goal of the amendment is to keep from picking up the newspaper in the morning and reading about a secretarial or executive order that has combined two agencies that the majority in allowing for the sale of oil and gas out of our land across the country.

Thank you, and I yield back the balance of my time.

Mr. Amodei. Mr. Chair, 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 Nevada will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-540.

Mr. Markey. 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:

Add at the end the following:

TITLE—MISCELLANEOUS PROVISIONS

SEC. 1. REQUIREMENTS TO OFFER FOR SALE ONLY IN THE UNITED STATES.

The Secretary of the Interior shall require that all oil and gas produced under a lease issued under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act shall be offered for sale only in the United States.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. Markey) and a Member opposed each will control 5 minutes.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. Markey) and a Member opposed each will control 5 minutes.

The Acting CHAIR. The gentleman from Massachusetts (Mr. Amodei) yields the floor to the Member from Nevada.

Mr. Amodei. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. Markey) and a Member opposed each will control 5 minutes.

Mr. Markey. Mr. Chair, I yield back the balance of my time.

Mr. Amodei. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. Markey) and a Member opposed each will control 5 minutes.

Mr. Markey. Mr. Chair, I yield back the balance of my time.

Mr. Amodei. Mr. Chair, I yield back the balance of my time.

Mr. Hastings. Mr. Chair, I rise to claim the time in opposition.

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Mr. Hastings. Mr. Chair, I rise to claim the time in opposition.
make production on Federal lands more challenging and, thus, less valuable. And as a matter of fact, that would hurt the economy and American jobs.

But there is another aspect to it. And again, it’s the way the amendment is reading. What about products that are made from oil? We know there is a vast array of products that are made from oil and natural gas, for that matter.

Now the way this amendment is written, in my state it means that Boeing probably could not export 787’s. And frankly, their biggest market is the international market.

Let’s just not confuse it with Boeing. What about other byproducts that we manufacture? One comes to mind because my wife and I were using it to do some home repairs this weekend, WD-40, a petroleum-based product. I don’t think this amendment means that that company exports a lot of that product overseas. The way this amendment is written, one could assume that that too would be restricted. What would that, then, do to the job market and our economy if we restrict what is a result of oil and natural gas being exported overseas?

I just want to repeat: There are restrictions for crude oil on Federal lands. That’s existing law. This amendment adds nothing to it. But what I am concerned about is giving the unintended consequences. Let’s not get ourselves into a situation where we have to pass a bill before we know what’s in it. We’ve painfully gone through that in this country. So don’t tell me this amendment is a good amendment, and I urge my colleagues to reject it.

I am prepared to close, so I will reserve the balance of my time.

Mr. MARKEY. I will, then, yield myself the remainder of the time.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. MARKEY. In summary, Price Waterhouse estimates that U.S. manufacturing companies could employ 1 million more workers if they continued to have low-priced natural gas. Exporting natural gas, exporting crude oil is only going to hurt our domestic economy, except for one industry: the oil industry.

American oil production right now is at its highest level since Bill Clinton. Natural gas production is at its all-time high ever. And what the American oil industry is now saying is that we want to start exporting this crude oil, start exporting this natural gas around the planet.

Keep American oil and natural gas here in America. Do not export it to other countries. It should be for Americans, and it should be for American companies. Vote “aye” on the Markey amendment.

Mr. Hastings of Washington. I yield myself the balance of my time.

First, I will urge people to reject the Markey amendment.

Now I made an observation. And maybe somebody is saying, Boy, you are really stretching it if you are going to buy products from this company. What you referenced is the way the amendment was written. And the amendment is written where it says very specifically, “all oil and gas.”

Well, let’s see. If a product is made from oil and gas, wouldn’t that qualify? So I think this is a very, very serious concern. And once again, it is the unintentional consequences of this amendment. So I urge rejection of the Markey amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. 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 Massachusetts will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. LANDRY

The Acting CHAIR. It is in order to consider amendment No. 16 printed in House Report 112-540.

Mr. LANDRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE—MISCELLANEOUS PROVISIONS

SECTION 1. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 106(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109-432; (43 U.S.C. 1311 note)) is amended by striking “2055” and inserting “2022,” and shall not exceed $750,000,000 for each of fiscal years 2022 through 2025.”

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, this amendment is very simple. It seeks to improve the environment by ensuring that those States that allow offshore drilling are allowed to keep more of the revenue generated off of their shores.

In 2007, Congress passed a historic Gulf of Mexico Energy Security Act, or GOMESA. This historic legislation for the first time allows States to share in the royalties generated from offshore drilling. However, GOMESA only provided 37.5 percent of the revenue to the States and then capped the States at no more than a cumulative $500 million per year. Conversely, the Missouri Leasing Act required the Federal Government to give 50 percent of the energy revenue generated on Federal lands to States in which it is generated.

In Louisiana, we wholly support offshore drilling. We are proud to supply 80 percent of our Nation’s offshore energy. But why should we not share in the funding generated by this drilling?

My amendment simply moves offshore royalty sharing more in line with the benefit experienced from onshore States by moving the GOMESA cap from $500 million to $750 million per year. This amendment does not impact onshore-producing States. If your State is receiving revenue from onshore energy production now, my amendment does nothing to change that. All the amendment does is move Louisiana, Texas, Mississippi, and Alabama a little closer to what those onshore States currently enjoy.

This amendment is nearly identical to the amendment that both myself and the gentleman from Louisiana (Mr. RICHMOND) offered during consideration of H.R. 3406, the PIONEERS Act, of which that amendment passed by bipartisan support of 266-159.

Mr. Hastings of Washington. Will the gentleman yield?

Mr. LANDRY. I yield to the gentleman.

Mr. Hastings of Washington. I thank the gentleman for yielding.

I think the gentleman has a good amendment. As he pointed out, it already has passed on a bipartisan basis on the floor, and I think it’s worthy to be passed in this instance. I support the amendment.

Mr. LANDRY. I reserve the balance of my time.

Mr. MARKEY. I rise to claim the time in opposition to this amendment.

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

Mr. MARKEY. Mr. Chairman, every day will be Mardi Gras down in Louisiana if the gentleman’s amendment is adopted. We—that is the rest of us in the country—are already going to be sending $150 billion to these four States over the next 60 years. I don’t blame the gentleman for coming back to try to get another bite at the apple, or, in this case, another bite at the king cake.

But I would say to the gentleman from Louisiana that his State already won the baby in the king cake when the GOMESA giveaway was enacted back in 2006, and you’re already entitled to the revenue coming out of the Federal Government and heading your way. And so I just think it’s time for your region to give
a little back to the other 46 States in the Union that didn’t benefit from that 2006 giveaway to you. We’re not begrudging that. What’s done is done and you get the $150 billion. But I just think it’s time for us to start thinking about starting to reduce the Federal deficit, and to spend some of this money that comes in from the revenues from the drilling, and that it helps out the whole country. And so I would just make that case to everyone else.

By the way, if you come from one of those four States, vote for the gentleman from Louisiana’s amendment. It’s a good amendment for you if you come from one of those four States. But if you come from one of the other 46 States, you’ve got rocks in your head if you’re voting for that amendment because it’s just another $6 billion going from your pockets into the pockets of those four States down there. And it just makes no sense at all after the $150 billion we gave them just 6 years ago.

I reserve the balance of my time.

Mr. LANDRY. I would only remind the gentleman from Massachusetts that this is, if you are an environmentocrat, you’re going to have to concede the environment like I know the gentleman from Massachusetts so desperately wants to do—I have served with him in committee and enjoyed his passion for taking care of the environment. This is an environmental amendment.

The citizens of Louisiana have passed a constitutional amendment that dedicates all of the proceeds from offshore royalty to go to wetlands restoration, coastal restoration, and hurricane protection. This is buying us an insurance policy that the other 46 States, who I know have been so generous to help us when hurricanes ravage our coast, this helps to protect us. And I know that the gentleman from Massachusetts would love to protect the environment in Louisiana.

I yield back the balance of my time.

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

Again, I’d be willing to have a conversation with the gentleman from Louisiana about what the proper way is of dealing with the funding for the preservation of the wetlands and the other environmentally sensitive areas down in the Gulf of Mexico, but this isn’t the way to do it. This is just another permanent entitlement that we’re building into the law here unattached to the hearings and the evidence that we need in order to make sure that whatever expenditures are made by the Federal Government are actually going for the intended purpose. And that’s not what this discussion is here tonight with a 5-minute amendment that we’re debating.

Six billion dollars should come under closer scrutiny than the debate we’re having at quarter past 9 at night on the House floor where the only people who are watching the debate really need to get a life, because that’s about the level of public scrutiny this is getting right now. I just think the $6 billion that the gentleman is seeking to request from the public has to be dispensed in a way that actually has a better process.

Again, I oppose the gentleman’s amendment. I understand its intention. But for the other 46 States, I just don’t think it’s a good idea at this time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment by the gentleman from Louisiana (Mr. LANDRY).

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

Mr. MARKEY. 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 Louisiana will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. RIGELL.

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–540.

Mr. RIGELL. 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:

Add at the end the following:

TITLE — MISCELLANEOUS PROVISIONS

SEC. 01. LEASE SALE 229 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAM.—The Secretary of the Interior shall—

(1) upon enactment of this Act, revise the proposed Outer Continental Shelf oil and gas leasing program for the 2012–2017 period to include in such program Lease Sale 229 off the coast of Virginia; and

(2) include the Outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012–2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 229.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the Outer Continental Shelf oil and gas leasing program and the domestic energy resources produced therefrom are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section in order to ensure achievement of the following common goals:

(A) Preserving the ability of the Armed Forces of the United States to maintain an optimum state of readiness through their dependence on energy resources;

(B) Allowing the Secretary of Defense to fund a military operation, 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 that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

In this very Chamber, Mr. Chairman, I recall vividly our President, President Obama, saying that he was an all-of-the-above President, and I truly think I was one of the first to leap to my feet in full support. We have really failed the American people over the last many decades in moving this country toward energy independence. So I lend myself fully to this proposal. Yet I am unable to reconcile what he’s saying with the painful reality—and Virginia, too.

There’s a full moratorium on the responsible exploration and harvesting of Virginia’s coastal Virginia energy. In my view, Mr. Chairman, this is a full moratorium on job creation, and that means there’s a full moratorium on the tax revenues that we need for healthier schools and better roads. So this amendment is directed right at that to break through and create action where, at present, there’s a full moratorium.

The way the amendment works is very simple. It requires the Secretary of the Interior to include Virginia in the 5-year oil and leasing plan. My amendment requires the Secretary of the Interior to conduct Lease Sale 229 within 1 year of enactment.

Again, the word that comes to my mind is “action,” “definitive action.” This is the debate we’re having at quarter past 9 at night on the House floor where the only people who are watching the debate really need to
away from the dependence on countries for our oil, many of which their values are diametrically opposed to ours, and we can do this in an environmentally responsible way.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RIGELL. I will yield to the chairman.

Mr. HASTINGS of Washington. I think the gentleman has a very good lease. And I've been talking about where Virginia has been shortchanged, from Virginia. In the wake of the Deepwater Horizon disaster, which was a lesson to all of us about the risks inherent in deepwater drilling, the Obama administration wisely canceled the proposed lease sale. The overwhelming majority of the Virginia lease sale area infringes on critical training areas for the United States Navy. The Department of Defense itself has concluded that over 78 percent of the lease sale area would occur where military operations would be impeded by drilling structures and related activities.

This area is already home to a number of critical military actions, including live ordnance tests, aircraft carrier qualifications, sensitive undersea and surface operations, and shipboard qualification tests. The military's continued activities in this area would torpedo drilling in most of this land.

Of the remaining 22 percent of the lease area, the majority of the unrestricted waters available for leasing would occur in the main shipping channel for Norfolk and the Chesapeake Bay, as well as the main channel used by submarines. So in the end, drilling could only even conceivably occur in about 5 percent of the area that the majority is talking about off the Virginia coast. When this Congress still has not passed a single legislative reform to improve the safety of offshore drilling, this just doesn't seem like it's worth the risk.

While some States may support offshore drilling, New Jersey and Maryland both oppose it, along with many other States along the Eastern Sea-board. These States' economies depend on the tourism that comes to pristine, oil-free beaches and fishing that happens in their waters. And we are talking about their waters. As we saw during the BP disaster, drilling off the coast of Virginia could affect Maryland, New Jersey, and many other States up and down the East Coast because of oil spills which do not respect State boundaries.

This Congress has yet to enact a single safety reform following the Deepwater Horizon disaster. The independent, blue ribbon BP Spill Commission recently gave Congress a grade of "D" on its legislative response to the worst environmental disaster offshore in American history, and only refrained from handing out an "F" because, and these are the words of the BP Spill Commission, it did not want "to insult the whole institution."

The gentleman's amendment would place the entire East Coast at risk of a spill in order to open an area where drilling may only be able to occur in about 10 percent of the area. That doesn't make any sense for our coastal States and their economies. The risks that we run are much higher than the very small benefits that can be derived. I urge rejection of this amendment, and I yield back the balance of my time.

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

The Acting CHAIR. The question was taken; and the Acting CHAIR announced that the ayes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. RIGELL). The question was taken; and the Acting CHAIR announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 21, 2012, at 9 a.m.
6532. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6533. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6534. A letter from the Assistant Deputy, Defense Security Cooperation Agency, transmitting Transmittal No. 12-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6535. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department’s final rule — Implementation of the Defense Trade Co-Operation Treaty between the United States and the United Kingdom (RIN: 1490-AAC9) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6536. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department’s fiscal year 2011 annual report prepared in accordance with the provisions of the Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6537. A letter from the Secretary, Department of Agriculture, transmitting the Department’s semiannual report from the office of the Under Secretary of OCS, concerning inter- national agreements other than treaties entered into by the United States to be transmitted within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6538. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department’s final rule — Safety Zone: Matalacha Bridge Construction, Matalacha Pass, Matalacha, FL [Docket No.: USC-2011-1115] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department’s final rule — Special Local 2012 Goat Grand Prix; Saint Andrew Bay; Panama City, FL [Docket No.: USC-2012-0085] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Assistant Deputy, Defense Security Cooperation Agency, transmitting the Department’s semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6541. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department’s annual report for Fiscal Year 2011 prepared in accordance with Section 251 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6542. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Rolls-Royce plc Turboprop Engines [Docket No.: FAA-2010-0921; Directive Identifier 2010-NM-274-AD; Amendment 39-17009; AD 2012-07-01] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Folker Service B.V. Model [Docket No.: FAA-2011-1226; Directorate Identifier 2011-NM-294-AD; Amendment 39-17001; AD 2012-06-20] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: DG Flugzeugbau GmbH [Docket No.: FAA-2012-0171; Directorate Identifier 2011-CE-042-AD; Amendment 39-16997; AD 2012-06-16] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Airbus Airplanes [Docket No.: FAA-2010-0924; Directorate Identifier 2011-NM-497-AD; Amendment 39-16992; AD 2012-06-11] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Airbus Airplanes [Docket No.: FAA-2012-0295; Directorate Identifier 2011-NM-084-AD; Amendment 39-17003; AD 2012-06-22] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: DASSAULT AVIATION Airplanes [Docket No.: FAA-2011-1226; Directorate Identifier 2011-NM-294-AD; Amendment 39-16993; AD 2012-06-12] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Airbus Airplanes [Docket No.: FAA-2012-0295; Directorate Identifier 2011-NM-084-AD; Amendment 39-17003; AD 2012-06-22] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: JET AIRWAYS AIRPLANES [Docket No.: FAA-2012-2297; Directorate Identifier 2011-NM-093-AD; Amendment 39-17003; AD 2012-06-22] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
6551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-AAC-2011-0784; Docket Identifier: 2011-NM-099-AD; Amendment 39-16865; AD 2012-06-25] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Goodreads Evacuation Systems Approved Under Technical Standard Order (TSO) TSO-C69B and Installed on Airbus Airplanes [Docket No.: FAA-AAC-2012-0033; Docket Identifier: 2012-NM-004-AD; Amendment 39-17006; AD 2012-06-25] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


6554. A letter from the General Counsel, Office of Compliance, transmitting the Office's biennial report entitled "Safety and Health in the Federal Workplace — Report of the 111th Congress Biennial Occupational Safety and Health Inspections"; jointly to the Committees on House Administration and Education and the Workforce.

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 references to the proper calendar, as follows:

Mr. LATHAM: Committee on Appropriations. H.R. 5972. A bill making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-543); to the Committee on Appropriations of the Whole House on the state of the Union.

Mr. KINGSTON: Committee on Appropriations. H.R. 5973. A bill making appropriations for the Departments of Agriculture and Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-542); to the Committee on Appropriations of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. Activities and Summary Report of the Committee on the Budget Third Quarter 112th Congress (Rept. 112-541); to the Committee of the Whole House on the state of the Union.

Mr. BACHER: Committee on Financial Services. H.R. 4284. A bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes (Rept. 112-544); referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred to the following committees:

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. RECERA, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. ANDREWS, and Mr. BORDEN): H.R. 5974. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation, and for other purposes; to the Committee on Education and the Workforce.

By Ms. BONAMICI: H.R. 5975. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of a National Business Liaison Pilot Program; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. RICHARDSON, Mr. ROBRECHT of California, Ms. HARR, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mr. HINCHey, Mr. FINK, Mr. CARNANAH, Mr. CONVERS, Ms. FUDGE, Mr. CLARKE of Michigan, Mr. WATTS of Florida, Mr. RUSH, Mr. CLAY, Mr. LEE of Georgia, Mr. RYAN of Ohio, Mr. CICILINE, Mr. KUCINICH, Ms. JACKSON LEE of Texas, Ms. FINNINGS of Maine, Mr. RANGEL, Mr. MCDERMOTT, Mr. ELLISON, Ms. SCHAUKOWSKY, Ms. LEE of Texas, Mr. TOWNS, Mr. CLEAVER, Ms. SEWELL, Mr. CLARKE of New York, Ms. SLAUGHTER, Ms. EDWARDS, Mr. DOYLE, Mr. BACA, Ms. WILSON of Florida, Mr. BASS of California, Mr. BUTTERFIELD, Mr. MICHAUD, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, and Mr. Matsu): H.R. 5976. A bill making supplemental appropriations for fiscal year 2012 for the TIGER Discretionary Grant program, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. SMITH of Texas (for himself and Mr. UPTON): H.R. 5977. A bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. CHU, Mr. COHEN, Mr. CONVERS, Ms. DEGETTE, Mr. ELLISON, Mr. FAERE, Mr. FILIPIN, Mr. FLORES, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. KAPTRUE of California, Mr. LOWEY, Ms. MALONEY of New York, Ms. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. NADLER, Ms. NORTON, Mr. RICHARDSON, Mr. ROYBAL-ALLARD, Mr. RUSH, Mr. SCHAUKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WATERS, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. BASS, Mr. SCHWARTZ, Mr. GRRIALVA, Mr. DEUTCH, Mr. LARSEN of Washington, Mr. SERRANO, and Ms. JACKSON LEE of Texas): H.R. 5978. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

By Mr. CASSIDY: H.R. 5979. A bill to amend title XIX of the Social Security Act to provide for refund payment to States under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. PETERSON: H.R. 5980. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior’s north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. PETRI (for himself and Mr. ANDREWS): H.R. 5981. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to provide for a guarantee by the Pension Benefit Guaranty Corporation for qualified preretirement survivor annuities under individual or terminated multiemployer pension plans; to the Committee on Education and the Workforce.

By Mr. SHULER: H.R. 5982. A bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent; to the Committee on Ways and Means.

By Mr. STIVERS: H.R. 5983. A bill to designate the facility of the United States Postal Service located at 2539 Dartmoor Road in Grove City, Ohio, as the “Lance Corporal Joshua B. McDaniel and Veterans Memorial Post Office Building”; to the Committee on Oversight and Government Reform.

By Mr. STIVERS: H.R. 5984. A bill to designate the facility of the United States Postal Service located at 3700 Riverside Drive in Columbus, Ohio, as the “Master Sergeant Jeffery J. Rieck and Veterans Memorial Post Office Building”; to the Committee on Oversight and Government Reform.

By Mr. STIVERS: H.R. 5985. A bill to designate the facility of the United States Postal Service located at 28 South Oak Street in London, Ohio, as the “Lance Corporal Joshua B. McDaniel and Veterans Memorial Post Office Building”; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Ms. FUDGE, Ms. MOORE, Ms. NORTON, Ms. LEE of California, Ms. WILSON of Florida, Ms. RICHARDSON, Mr. TOWNS, Mr. CLEAVER, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. MCCANN): H. Res. 694. A resolution recognizing the 40th anniversary of title IX, the Federal law that prohibits sex discrimination in education, including high school and college sports and other activities; to the Committee on Education and the Workforce.

By Mr. QUAYLE (for himself and Mr. GOWDY): H. Res. 695. A resolution expressing the sense of the House of Representatives on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and sensitive information to the United States military and intelligence plans, programs, and operations; to the Committee of the Judiciary.

By Mr. SMITH of Washington (for himself and Mr. McKRON): H. Res. 696. A resolution recognizing the 70th anniversary of the Guadalcanal campaign and World War II’s intense battle in the South Pacific and one of World War II’s greatest battles, and adding the United States and Armed Forces on Foreign Affairs, and in addition to the Committee on Armed Services, 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.
CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution:

By Mr. LATHAM:
H.R. 5972.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ‘‘No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .’’ In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ‘‘The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States . . . .’’ Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. KINGSTON:
H.R. 5973.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ‘‘No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .’’ In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ‘‘The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .’’ Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. LEVIN:
H.R. 5974.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Ms. BONAMICI:
H.R. 5975.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the United States Constitution.

By Ms. WATERS:
H.R. 5976.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the U.S. Constitution and Article I, Section 9, clause 7 of the U.S. Constitution.

By Mr. SMITH of Texas:
H.R. 5977.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. DeLAURO:
H.R. 5978.

Congress has the power to enact this legislation pursuant to the following:

Fourteenth Amendment, Section 5

By Mr. CASSIDY:
H.R. 5979.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (the Spending Clause) of the United States Constitution states that ‘The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.’

By Mr. PETERSON:
H.R. 5980.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (Necessary and Proper Clause)

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PETRI:
H.R. 5981.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Mr. SHULER:
H.R. 5982.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. STIVERS:
H.R. 5983.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. STIVERS:
H.R. 5984.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. STIVERS:
H.R. 5985.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. MORA
H.R. 459: Mr. HUNTER and Mr. MCHENRY
H.R. 687: Mr. TONEO
H.R. 831: Ms. WILSON of Florida and Mr. ELLISON.
H.R. 904: Mr. GIBSON
H.R. 930: Mr. SMITH
H.R. 1044: Ms. SPEIER
H.R. 1054: Ms. ESCH
H.R. 1093: Mr. KIND
H.R. 1192: Mr. BONIC
H.R. 1307: Mr. ROKITTA
H.R. 1322: Ms. PINO-REE of Maine.

H.R. 1370: Ms. HERRERA BEUTLER, Mr. KELLY, Mr. NUGENT, and Mr. HASTINGS of Washington.
H.R. 1375: Mr. NEAL, Mr. CLAY, Mr. CARNET, and Mr. CICILINE.
H.R. 1381: Ms. BALDWIN.
H.R. 1386: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.
H.R. 1392: Mr. BISHOP of Georgia.
H.R. 1635: Mr. RUNYAN.
H.R. 1681: Ms. EDWARDS and Mr. KUCINICH.
H.R. 1735: Mr. KILDEE.
H.R. 1802: Mr. CLAY.
H.R. 1842: Mr. VAN HOLLEN, Ms. RICHARDSON, Mr. MILLER of North Carolina, and Mr. FOSMAYO.
H.R. 1867: Mr. TIERNEY, Mr. NADLER, and Mr. CONYERS.
H.R. 1872: Mr. KILDER.
H.R. 1912: Mr. TOWNS and Mr. CLAY.
H.R. 2141: Mr. FARE.
H.R. 2461: Mr. WELCH.
H.R. 2463: Ms. BASS of California.
H.R. 2794: Ms. ZOE LOPUREN of California, Mr. SHES, Ms. LER of California, Mr. KUCINICH, and Ms. NORTON.
H.R. 2959: Mr. HARRIS.
H.R. 2976: Mr. COLE.
H.R. 3044: Mr. HUZENGA of Michigan and Mr. MANZULLI.
H.R. 3056: Mr. COOPER.
H.R. 3125: Mr. BILBRAY and Mr. MCNINNE.
H.R. 3147: Ms. HERRERA BEUTLER, Mr. BUTTERFLY, Mr. HARRIS, and Mr. SULLIVAN.
H.R. 3192: Mr. RICHMOND and Mr. MCNINNE.
H.R. 3307: Mr. MILLER of North Carolina.
H.R. 3338: Mr. HOLT.
H.R. 3352: Mr. OLEFREY and Mr. HINCHY.
H.R. 3359: Mr. KRATING, Ms. ROYBAL-ALLARD, and Mr. KILDER.
H.R. 3432: Mr. HONDA.
H.R. 3481: Mr. WALSH of Illinois.
H.R. 3506: Mr. KING of Iowa.
H.R. 3619: Mr. FRANK of Massachusetts and Mr. BUTTERFLY.
H.R. 3767: Mr. COHEN and Mr. BRALIE of Iowa.
H.R. 3790: Mr. RYAN of Ohio.
H.R. 3796: Mr. TONKO.
H.R. 3816: Mr. HARRIS, Ms. JENKINS, and Mr. HULTOREN.
H.R. 3830: Mr. POLIS.
H.R. 6021: Mr. HONDA, Ms. BORDALLO, Ms. LEE of California, and Mr. SARLAN.
H.R. 6086: Mr. BUCHANAN.
H.R. 6700: Mr. OWENS.
H.R. 4112: Mr. DANIEL E. LUNGREN of California.
H.R. 4134: Mr. WATT.
H.R. 4150: Mr. BRADY of Texas and Mr. SCALEE.
H.R. 4194: Mr. CRITZ and Mr. SMITH of New Jersey.
H.R. 4202: Ms. ZOE LOPUREN of California and Ms. HOCHUL.
H.R. 4227: Mr. CRITZ, Mr. HINCHY, and Ms. CRU.
H.R. 4289: Mr. GRIFFIN of Arkansas and Mr. HURT.
H.R. 4271: Mr. LOESACK.
H.R. 4296: Mr. WEBSTER.
H.R. 4342: Mr. HULTOREN.
H.R. 4362: Mr. PIERLUSI.
H.R. 4387: Mr. YODER, Mr. CAPUANO, Mr. CARNET, Mr. LATHAM, Mr. DUPPY, Mr. NUGENT, and Mr. GALLELEAN.
H.R. 4378: Mr. POLIS, Mr. LANGLESIN, Ms. SLAUGHTER, Mr. HASTINGS of Washington, Mr. LEWIS of Georgia, and Mr. DUCKETCH.
H.R. 4906: Mr. KILDER.
H.R. 4916: Mr. HASTINGS of Florida.
H.R. 4965: Mr. CARMEN, Mr. HURLSCHAMP, and Mr. GRIFFIN of Arkansas.
H.R. 4972: Mr. CROWLEY.
H.R. 5381: Mr. LANKFOORD and Mr. CAMPBEL.
H.R. 5542: Mr. HOLT and Mr. Bishop of Georgia.
H.R. 5646: Mr. Lamborn.
H.R. 5707: Mr. Tonko.
H.R. 5672: Mr. McClintock, Mr. Walberg, and Mr. Westmoreland.
H.R. 5894: Mr. Ross of Florida and Mr. Westmoreland.
H.R. 5910: Mr. Walsh of Illinois and Mr. Bachus.
H.R. 5912: Mr. Rokita.
H.R. 5925: Mr. Rooney, Mr. Ross of Florida, and Mr. Nugent.
H.R. 5943: Mr. Tonko.
H.R. 5963: Mr. Chavack, Mr. Westmoreland, Mr. Scalise, Mr. Wilson of South Carolina, Mr. Austin Scott of Georgia, Mr. Schweikert, Mr. Stutzman, Mr. Roe of Tennessee, Mr. Franks of Arizona, Mr. Fleming, Mr. Duncan of South Carolina, Mrs. Ellums, Mr. Harris, Mr. Campbell, Mr. Griffin of Arkansas, and Mr. Gingrey of Georgia.
H.R. 5957: Mrs. Black, Mr. Gingrey of Georgia, Mr. Chavack, Mr. Westmoreland, Mr. Wilson of South Carolina, Mr. Chabot, Mr. Garrett, Mr. Roe of Tennessee, Mr. Franks of Arizona, Mr. Huelskamp, Mr. Fleming, Mr. Duncan of South Carolina, Mr. Brooks, Mr. Bilbray, Mr. Marchant, and Mr. Mulvaney.
H.R. 5961: Mr. Rehberg.
H.J. Res. 72: Mr. Smith of Washington.
H. Con. Res. 63: Mr. Ellison.
H. Con. Res. 110: Mr. Bensheek.
H. Con. Res. 129: Mr. Bensheek, Mr. Upton, Mr. Tonko, Mr. Dingell, and Mr. Amodei.
H. Res. 25: Ms. Hochul.
H. Res. 134: Mr. Wilson of South Carolina.
H. Res. 298: Mr. Kildee.
H. Res. 351: Mr. Johnson of Georgia.
H. Res. 397: Mr. Shuler, Mr. Bishop of Georgia, Mr. Costa, and Mr. Peterson.
H. Res. 613: Mr. Cole.
H. Res. 618: Mr. Boswell.
H. Res. 623: Mr. Altman, Mr. Gardner, Mr. Canseco, Mr. Ross of Florida, Mr. Stearns, and Mr. Rivera.
H. Res. 662: Mr. Cole.
The Senate met at 9:30 a.m. and was called to order by the Honorable Kirsten E. Gillibrand, a Senator from the State of New York.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

Eternal God, our sustainer, it is time to pray and, in the silence of this moment, examine our hearts. Lord, You know our thoughts and see where we falter short of Your glory. Restore to us to Your purposes as You lead us in the path everlasting.

Search the hearts of our Senators. You know the struggles that confront them, the things they wrestle with, the things that irritate and gnaw at them and cause them to abandon trust in You.

O God, You know us better than we know ourselves. Search our hearts and give us Your peace.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Kirsten E. Gillibrand led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The assistant legislative clerk read the following letter:


To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kirsten E. Gillibrand, a Senator from the State of New York, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mrs. Gillibrand thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed
Mr. Reid. Madam President, I move to proceed to Calendar No. 250, S. 1940. The ACTING PRESIDENT pro tempore. The clerk will report the motion. The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

CLOTURE MOTION
Mr. Reid. Madam President, I have a cloture motion at the desk I wish to be reported.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the debate on the motion to proceed to calendar No. 250, S. 1940. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.


Mr. Reid. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

SCHEDULE
Mr. Reid. Madam President, following leader remarks today, the Republican leader will move to proceed to S.J. Res. 37. Following that motion; that is, the one Senator McConnell will make, the time until 11:30 a.m. will be equally divided between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the next 15 minutes, and I have designated that Senator Rockefeller will take that 15 minutes. At 11:30 a.m. the Senate will proceed to vote on the motion to proceed to S.J. Res. 37. If the motion to proceed is not agreed to, the Senate will then resume S. 3240, the farm bill, and the votes in relation to amendments that remain in order to the bill. So Senators should expect a long day of voting, starting at 11:30 a.m.

Madam President, we did extremely well yesterday. We were able, as indicated last night, to even turn in votes earlier because everyone was here. There are lots of events going on in the Capitol today, but we are going to have to stick to our business at hand and make sure we get through this long list of amendments because we are going to have to finish this and the flood insurance legislation before we leave here this week. That is a large assignment. We have to do that.

UNANIMOUS-CONSENT AGREEMENT—S. 320
Madam President, I ask unanimous consent that with respect to any amendments voted on during Tuesday’s
Mr. MCCONNELL. Madam President, I now move to proceed to S.J. Res. 37. The ACTING PRESIDENT pro tempore. The clerk will report the motion. The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 430, S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.


DISCHARGE OF FURTHER CONSIDERATION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby discharge the President on Environment and Public Works be discharged of further consideration of S.J. Res. 37, a resolution on providing for congressional disapproval of a rule submitted by the Administrator of Environmental Protection Agency relating to emission standards for certain steam generating units.


The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President. It has become pretty clear over the past few months that President Obama now views his job as the defector-in-chief. No longer content to lay all the blame on the President, the country will as well; get them to be working for them, not look for anything in this country.

Mr. INHOFE. Madam President, I yield the floor. The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President. It has become pretty clear over the past few months that President Obama now views his job as the deflector-in-chief. No longer content to lay all the blame on the President, the country will as well; get them to be working for them, not look for anything in this country.

That is why I support Senator INHOFE’s ongoing efforts, including a vote today, to push back on the EPA, which has become one of the lead culprits in this administration’s war on American jobs. Senator INHOFE is focusing on just one regulation out of the many that are crushing businesses across the country—the so-called Utility MACT, which would cost American companies billions in upgrades, but for their competitors overseas, of course, it would cost them nothing. This regulation alone would cut перспективы to its plants at a cost of nearly $1 billion, raising the typical residential customer’s monthly electric bill by a whopping 30 percent. At that price, it is no wonder the plan proposed by the new regulations completely unworkable. The EPA may have won this battle, but the real losers are more than 170,000 homes and businesses spread out amongst 20 eastern Kentucky counties that depend on the Kentucky Power plant for their energy.

The proponents of the Utility MACT say it is needed to improve air quality. What they cannot tell you is what these benefits would be or the effect of leaving the plants in their current condition. Look, we all support clean air, but we also want to save the taxpayers the money. This regulation promised to improve air quality without regard for its actual impact, we would not be able to produce anything in this country.

What we do know is that a substantial amount of the electricity we produce in this country comes from coal, and this new regulation would devastate the jobs that depend on this cheap, abundant resource. This is just one battle in the administration’s war on jobs, but it has a devastating consequence for real people and real families in my State and in many others. The administration’s nonchalant attitude about these people is appalling, but this is precisely the danger of having unelected bureaucrats in Washington playing with the livelihoods of Americans as if they are more than just pieces on a chessboard.

The media may continue to chase whatever issue the President and his administration decide to fabricate from day to day, but these are the facts behind this President’s devastating economic policy, and that is why it is a story that the American people are not going to ignore it. We are going to keep talking about the President’s policies. So I commend Senator INHOFE for keeping us focused on this particular policy that is devastating to so many Americans.

Madam President, I yield the floor. The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, in our first round, we are going to yield to...
the Senator from Alaska Ms. MURKOWSKI for 10 minutes and then to Senator MANCHIN for 5 minutes. In the second round, we are going to have Senators BARRASSO, BOOZMAN, RISCH, BLUNT, KYL, and TOOMEY.

The PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I think most Americans would agree it is important that we strike a proper balance between abundant and affordable energy and responsible standards of environmental performance. But too often in recent years, the energy-environmental balance has been lost. Restoring a sense of equilibrium is important for both the health of the American people and our Nation’s economy. Although we see the need for this balance every day in Alaska, restoring it has become what I think is a national challenge. That is why I support Senator INHOFE’s resolution to disapprove the mercury and air toxics standards or the MATS rule.

Congress has tasked the EPA with implementing laws to protect public health. That statutory obligation absolutely requires respect. But although the executive branch gets to make reasonable policy in performing that duty, its regulatory authority is strictly bounded by law.

Today’s EPA too often seems to impose requirements that go beyond what is authorized or needed. This overreaching hinders the energy and natural resource production the Nation needs to restore prosperity and technological leadership, and the sad thing is the resulting rules do not credibly improve public health.

EPA is now proceeding with an unprecedented litany of new rules whose benefits are murky at best but whose costs are very real and detrimental to human welfare. The Nation can and must strike a better balance. Even in today’s world—when real-world consensus remains and achieving affordable and abundant energy coupled with strong environmental standards is the right combination.

Most would also agree that energy and environment-related public policy decisions should be based on the facts and informed by rigorous scientific discourse. Applying this consensus shows that the devil is in the details. So let’s look closely at the MATS rule. If this rule is allowed to stand, it will put electric reliability at unacceptable risk and raise electricity costs with very little, if any, appreciable benefit to human health.

The North American Electric Reliability Corporation or NERC, which is the independent, non-profit, certified “Electric Reliability Organization,” recently reported that “environmental regulations are shown to be the number one risk to reliability over the next . . . 5 years.” That is the statement from NERC.

The members of the relatively small and apolitical group of engineers who keep the lights on and administer electricity markets tell me they are worried not only about the reliability of electric service but about its affordability. I would like to speak to the affordability side in just a minute.

Reasonable regulation, clearly appropriate, would impose on the EPA, in deed the obligation, to adopt balanced rules. But, unfortunately, EPA’s approach has been aimed more at its statutory obligations. Through MATS and through other rules, EPA wants to influence how investments in energy production are made. So it has imposed a series of very stringent obligations that perhaps are not even achievable.

For example, the Institute of Clean Air Companies, which is an association representing emissions control technology vendors—these are the guys who sell all of this stuff—has asked EPA to reconsider MATS and has said: our member companies cannot ensure that the new final source [mercury] standard can be achieved in time.

These are those who would make a profit off of selling these. They are saying they do not think that it can be achieved.

Even though I believe the United Mine Workers of America, who say their members are truly sacrificing [ones] to EPA on the proposed MATS rule were ignored,” it does not have to be this way. EPA received thousands of pages of very detailed, very thoughtful proposals, for improving MATS.

About 150 electric generators filed their comments. Edison Electric Institute, as just one example, filed more than 75 pages of very precise observations for improving MATS. They suggested many very specific changes. The States were active too. Twenty-seven States are seeking significant changes in the proposal. There were almost 20 petitions for reconsideration pending at EPA, and they are pending now.

Thirty petitions have been filed for just today, and I think forty-four States have asked the courts to force EPA to do better with MATS.

I always say we need to give credit where credit is due. On the treatment of condensable particulate matter—not many of us are focused on condensable particulate matter—EPA has made some good changes with regard to that, between the proposed and the final MATS rule. This dramatically reduced the need for construction of expensive pollution control devices known as “bag filters.”

By itself, this one change to the proposed rule reduced the overall cost of compliance by billions of dollars, and it relieved somewhat the challenges of achieving compliance with the rule. Adopting a more reasonable approach in this one area did not sacrifice any appreciable benefit. So more must be done. Congress must tell the EPA to revisit other suggestions for similar improvements.

Why the need to keep forcing the improvements? The vast majority of the benefits to EPA claims from MATS are the result of its counting coincidental reductions of particulate matter below standards that EPA has determined are sufficient to protect public health. Emissions of mercury by American powerplants have declined over the years without the MATS rule. EPA itself estimated the marginal benefits of mercury reduction attributable to the rule at only $500,000 to $6 million but annual costs at almost $10 billion.

Finally, EPA’s actions are driving up the cost of electricity too. PJM, which is the independent transmission organization that is responsible for coordinating the movement of wholesale electricity in all or part of 13 States, as well as in the Nation’s Capital, reported 2-year capacity price increases of 300 percent, most of which it attributed to the cost of environmental compliance with a nearly 1,200-percent spike in northern Ohio.

PJM also plans for about $2 billion in additional transmission investment to meet the reliability requirements of EPA’s rules. Clearly, these are significant costs that will be passed on to our consumers. I think MATS is a major rule that needs a major reset by Congress. EPA could then devise a new rule that truly protects public health and carrying out the law rather than trying to push a particular fuel, coal, out of the market.

I thank the Senator from Oklahoma for his leadership on this issue.

I yield 5 minutes to the Senator from Alaska.

Mr. INHOFE. Madam President, I thank the Senator from Alaska for her very kind remarks. I yield 5 minutes to the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Madam President, I come to the floor to join my colleagues from Alaska, from Oklahoma, and others to express my disapproval. I intend to vote in favor of the resolution of disapproval for the Environmental Protection Agency’s mercury and air toxics standards rule, also known as Utility MACT.

Now, of course, sometimes the debate, when we talk about pollution, when we talk about the byproducts of coal-fired powerplants, is cast in apocalyptic-like terms that have no real bearing on reality or in terms of the science and in terms of the economic impact of the rule or the health benefits supposedly to be derived. I want to talk about that just briefly.

While this rule claims to be about public safety, it is a job-killing, ideologically driven attempt to cripple the coal industry in the United States, an industry that employs an awful lot of people, feeds a lot of families. This administration, unfortunately, is using the EPA to destroy a major source of reliable, affordable, base-load electricity that we sorely need. The President talks about being for an all-of-the-energy policy. Yet his administration, through this regulation we seek to disapprove today, is going to effectively take one of those most
abundant, low-cost sources of energy off the table for the American people.

Of course, Congress would never pass such a law in our own right, so the administration is using a ruling from an unelected group of bureaucrats who are not subject to accountability. This is another example of excess power, its dangers, and the need to stand up to it.

Power companies have confirmed that Utility MACT standards for new powerplants are so stringent that no new coal-fired powerplant will be built in the United States. No new coal-fired powerplant will be built in the United States, no matter how modern and clean the technology will allow that powerplant to operate. So the consequences will be that Utility MACT will damage grid reliability. It will destroy jobs, and it will raise electricity prices—not a small matter when many of our seniors are on fixed incomes and are going to suffer as a result of this rule that does not do what its advocates tout it for.

The costs of Utility MACT will exceed the benefits by roughly 1,600 to 1. Some claim that does not matter, that benefits are benefits no matter what the cost, no matter how much. How many jobs it kills, no matter how much it raises the price of electricity on seniors in my State who are living in very hot summers. If we have another year like we had last year—I hope we do not. We had 100-degree temperatures more than 70 days—and I think it was even more than that—it will threaten the capacity of the power grid to even produce the electricity so people can run their air conditioners. The detriment to our seniors in terms of public health and in terms of cost, being on a fixed income, is quite evident.

According to the EPA, more than 99 percent of the health benefits from Utility MACT are currently being offered from mercury reductions but, rather, from reductions in particulate matter that are already regulated to safe levels under the Clean Air Act. So either the EPA will be double-counting existing benefits or else it will be setting new levels for other byproducts that are not justified by public health concerns.

In short, the benefits of this regulation are dubious, but the costs are real. They are already harming the U.S. economy with existing powerplants being shut down and otherwise being scrapped. The United States currently has more than 1,400 coal-fired electricity-generating units operating at more than 600 plants.

Together, these powerplants generate almost half of the electricity produced in our country. Again, we are not talking about taking wind energy off the table. We are not talking about other ways to generate electricity. But this is one of the cheapest, most abundant sources of energy in our country, and we are simply killing it.

So sponsors of Utility MACT repeatedly tout its health benefits. But those are overstated. However, they underestimate the impact this will have on jobs. It will kill jobs. People will lose their jobs in a tough economy. I urge my colleagues to pull back the curtain on the EPA and see Utility MACT for what it is, an economic disaster shrouded in false claims and do nothing to help the American people.

Americans deserve smart regulation based on logic and sound science. Utility MACT is the exact opposite and deserves to be rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, in the shadow of one seemingly narrow Senate vote, that being the Inhofe resolution of disapproval of the EPA’s rule on mercury and air toxins, I rise to talk about West Virginia, about our people, our way of life, our health, our State’s economic opportunity, and about our future.

Coal has long been an enormous part in our past and can play an enormous part in our future, but it will only happen if we face reality.

This is a critical and a very contentious time in the Mountain State. The dialogue on coal, its impacts, and the Federal Government’s role has reached a stunningly fevered pitch. Carefully orchestrated messages that strike fear into the hearts of West Virginians and feed uncertainty about coal’s future are the subject of millions of dollars of paid advertising, billboards, breakroom bulletin boards, public meetings, letters, and lobbying campaigns.

A daily onslaught declares that coal is under siege from harmful outside sources, and that the future of the State is bleak unless we somehow turn back the clock, ignore the present, and block the future.

West Virginians understandably worry that a way of life and the dignity of our lives is at stake. Change and uncertainty in the coal industry is unsettling and nothing new. But it is unsettling. My fear is that concerns are also being fueled by the narrow view of others with divergent views and motivations, one that denies the inevitability of change in the energy industry and unfairly—and I feel this strongly—leaves coal miners in the dust.

The reality is those who run the coal industry today would rather attack false environmental problems than solve problems that would help them and the people they employ and the States in which they work.

Instead of facing the challenges of making tough decisions, similar to men of a different era, they are abrogating their responsibilities to lead. Back in the 1970s, I remember a fellow from Consolidation Coal named Bobby Brown. He got together with the United Mine Workers on his own. We were having a lot of temporary resource relocations at that time. They sat down, and because Bobby Brown was not a timid man—he was the head of a company, but he was a forceful leader—they worked out something which gave us peace in the coalfields of West Virginia—which is something—for a long time. It was a courageous act by a courageous nontimid man.

Scare tactics are a cynical waste of time, money, and, worst of all, coal miners’ hopes. Coal miners buy into all the television they hear, and are controlled by it, have large salaries. So in a sense they are stuck where they are, happily hedged but without a place to look forward to. But sadly these days, coal operators have closed themselves off from any other opposing voices and almost none has the courage to speak out for change—any kind of change—even though it has been staring them in the face for decades. They have known about it. They have ignored it.

This reminds me of the auto industry, which also resisted change for decades. Coal operators should learn from the mistakes and be the beneficiaries of success of the automobile industry. I passionately believe coal miners deserve better than they are getting from coal operators, and West Virginians certainly deserve better.

Let’s start with the truth. Coal, today, faces real challenges, even threats, and we all know what they are.

First, our coal reserves are finite and many coal-fired powerplants are aging. The cheap, easy coal seams are diminishing rapidly and production is falling, especially in the Central Appalachian Basin in southern West Virginia. Production is shifting to lower costs regions such as Illinois and the Powder River Basin in the Wyoming area. The average age of our Nation’s 1,100-plus coal-fired plants is 42.5 years, with hundreds of plants even older. These plants run less often, are less economic, and are obviously less efficient.

Second, natural gas use is on the rise. Power companies are switching to natural gas because of lower prices, cheaper construction costs, lower emissions, and, vast, steady supplies. Even traditional coal operators such as CONSOL are increasingly investing in natural gas as opposed to coal.

Third, the shift to a lower carbon economy is not going away. It is a disaster—a terrible disservice—to coal miners and their families to pretend it is, to tell them everything can be as it was. It can’t be. That is over. Coal companies deny that we need to do anything to address climate change, in the same way the automobile industry did, with the consensus and mounting national desire—including in West Virginia—for a cleaner, healthier environment.

Despite the barrage of ads, the EPA alone is not going to make or break them. Coal operators would love to think that is the case because it is a great target, and it is much easier to criticize than to do something. But there are many forces exerting pressure, and that agency is just one of them.

Two years ago, I offered a time-out on EPA carbon rules, a 2-year suspension that could have broken the logjam
in Congress and given us the opportunity to address carbon issues aggressively and legislatively.

But instead of supporting this approach, coal operators went for broke—they saw a fatter opportunity—when they demanded a complete repeal of all EPA authority to address carbon emissions forever. They demanded all or nothing. They turned aside a compromise and, in the end, they got nothing.

Last year, they ran exactly the same play, demanding all or nothing on the cross-State air pollution rule, refusing to entertain any middle ground and denying even a hint of legitimacy for the views of the other side and they lost again—badly.

Here we are with another all-or-nothing resolution, which is absolutely destined to fail, and we are arguing as months, weeks, and years go by. This foolishness wastes time and money that could have been invested in the future of coal. Instead, with each bad vote the coal operators get, they give away more of their leverage and lock in failure again.

The issue is whether to block an EPA rule, as has been said—the mercury and air toxics standards—that require coal-fired powerplants to reduce mercury and other toxic air pollution.

I oppose this resolution because I care so much about West Virginians.

Without good health—demeaning in this debate so far—it is hard to hold down a job or live the American dream. Chronic illness is debilitating. I have made a career in the Senate of health care. It impacts families’ income, their prosperity, and ultimately families’ happiness. The annual health benefits of the rule are enormous. EPA has relied on thousands of studies and data—that establish the serious and long-term impact of these pollutants on premature death, heart attacks, hospitalizations, pregnant women, babies, and children. Do West Virginians care about these kinds of things? I think they do.

Moreover, it significantly reduces the largest remaining human-caused emission of mercury, which is a potent neurotoxin with fetal impact. Maybe some can shrug off the advice of the American Academy of Pediatrics and many other professional medical and scientific groups, but I do not.

The rule has been in the works through a public process for many years. Some businesses—including some utilities in West Virginia—have already invested in technology and are ready to comply.

Others have not prepared because they thought it was a forgotten art. It is sort of a forgotten art, and that is a travesty. We have to be truthful with miners that coal plants will close because of decisions made by corporate boards long ago, not just because of the greenhouse gases but because the plants are no longer economical as utilities build low-emission natural gas plants.

Natural gas has its challenges too, with serious questions about water contamination and other environmental concerns. But while coal executives pine for the past, the natural gas folks look to the future, investing in technology to reduce their environmental footprint, and they are taking on the responsibilities to support the safe development of gas.

We are all going to be watching that very closely, are we not? It is not too late for the coal industry to step up and lead—leadership—by embracing the realities of today and creating a sustainable future. It has not been too late for a long time. Discard the scare tactics. Stop denying science. Listen to what markets are saying—prices of coal versus gas and other environmental concerns. Listen to what West Virginians are saying about their water, air and health and the cost of caring for seniors and children who are most susceptible to pollution.

Stop and listen to West Virginians—miners and families included—who see the bitter truth of the fight we are having now and which has been going on forever. The bitterness of the fight has taken on a life of its own on more than any potential solutions. The point is put up block after block, which loses time after time, but at least they have a fight and something to scream about, all with no progress.

Those same miners care deeply about their children’s health. They care about them. They are family people. I have that. I went there in 1964 and lived among miners for 2 years, and I have never been more closely and intimately. They care about what people all over the country care about. They care about the streams and mountains of West Virginia. They know down deep we can’t keep to the same path. They are not allowed to say so, but they know that.

Miners, their families, and their neighbors are why I went to West Virginia. They are why I made our State my home. I have been proud to stand shoulder to shoulder with coal miners, and we have done a lot of good together over the years.

For more than 36 years, I have worked to protect the health and safety of coal miners, everything from the historic Coal Act back in 1992 to my safety laws, pensions and black lung benefits—always with miners’ best interests in mind.

Despite what critics contend, I am standing with coal miners by voting against this resolution. I don’t support this resolution of disapproval because it does nothing to look to the future of coal. It moves us backward, not forward. Unless this industry aggressively leans into the future, coal miners will be the big losers.

Beyond the frenzy over this one EPA rule, we need to focus squarely on the reality of finding a long-term future for something called clean coal. That is possible. We have demonstrated that. That is being done in various places in the country right now. This will address legitimate environmental and health concerns and, of course, global warming and all that counts.

Let me be clear. Yes, I am frustrated with much of the top levels of the coal industry, at least in my State of West Virginia, but most of the corporate headquarters are elsewhere. However, I am not giving up hope for a strong clean coal future. I am not giving up. To get there, we will need a bold partner, innovation, and major public and private investments.

In the meantime, we should not forget that coal-fired powerplants would provide good jobs for thousands of West Virginians. It remains the underpinning for many of our communities, and I will always focus on their future.

Instead of finger-pointing, we should commit ourselves to a smart action plan that will help with job transition opportunities, sparking new manufacturing and exploring the next generation of technology—not just be dependent upon coal but a lot of things.

None of this is impossible. Solving big challenges is what we do best in West Virginia. I would much rather embrace the future boldly.

I yield the floor.

The Acting President pro tempore. The Senator from California.

Mrs. BOXER. Madam President, before Senator Rockefeller leaves, I wish to take 30 seconds to say something. I believe that when the next historians write the leadership, courage, and integrity in the Senate, this speech will be featured in that book. I am so proud of the Senator from West Virginia.

How much time remains between the two sides?

The Acting President pro tempore. The majority controls 36 minutes, the Republicans control 39 minutes.

Mr. INHOFE. It is our understanding we have approximately 42 minutes apiece and that we will go back and forth.

Mrs. BOXER. The Chair just said there is 39 minutes for the Republicans and 36 minutes. I like that.

Madam President, I yield to the Senator from South Dakota for 7 minutes.

The Acting President pro tempore. The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Oklahoma for his leadership on this issue, for yielding the time, and I appreciate everything he has done to bring S.J. Res. 37 to the floor of the Senate.

As the father of two daughters, I want a cleaner, safer, healthier environment for their generation and for
future generations. Thanks to the com-
monsense policies that balance eco-

nomic growth with a cleaner environ-
ment, our country has made significant
progress toward improving the quality
of our air and water. We have made
progress under Republican Presidents
and we have made progress under
Democratic Presidents. We have also
made progress during Democratic con-

try with many of the other policies that pertain
to energy, is pursuing an ideologically
driven agenda in which the costs far
outweigh the benefits. He promised his
energy plan would necessarily make
energy costs skyrockett, and his
policies are clearly delivering on that
promise.

A prime example of that flawed agen-
da is Utility MACT, which is the most
expensive regulation in EPA’s history,
with an estimated cost of $10 billion.
These are costs that will be passed on
to families and small businesses across
the country at a time when we are ex-
periencing the worst economic recov-
ery in over 60 years.

We all know the statistics. Unem-
ployment has been at 8 percent now for
40 consecutive months. Real unemploy-
ment is above 14 percent. There are 23
million Americans who are not work-

ing today, and 5.4 million Americans
have lost their jobs for over a year.
Despite these facts, President
Obama continues to push regulations
such as Utility MACT that are going to
make energy more expensive and, at
the same time, destroy good-paying jobs.

According to the National Economic
Research Associates, Utility MACT will
cost between 180,000 and 215,000
jobs by the year 2015. When including
President Obama’s other regulations on
electric power, the electric power sector
will cost the country at a time when we are
experiencing the worst economic recov-
ery in over 60 years.

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Secondly, upholding this rule means that visitors will soon not even think of calling the Great Smoky Mountains the Great Smoggy Mountains because it is one of the most polluted national parks in America. We want those 9 million visitors to keep coming every year with their dollars and their jobs.

Instead of seeing 24 miles on a bad air day from Clingman’s Dome, our highest peak, this rule should mean we will gradually move toward seeing 100 miles from Clingman’s Dome as the air cleanup up and we look through the natural blue haze.

Third, this rule should mean fewer health advisory warnings for our streams that say “don’t eat the fish because of mercury contamination.” Half of the mammal mercury in the United States comes from coal plants, and as much as 70 percent of the mercury pollution in our local environment, such as streams and rivers, can come from nearby coal plants.

Power plant pollution that had Nissan been unable to get an air quality permit in Nashville in 1980, it would have gone to Georgia. And if Senator CORKER had not, as mayor of Chattanooga, improved the air quality in that city in the mid 2000s, the Volkswagen site there would have been a vacant lot today.

We know every Tennessee metropolitan area is struggling to stay within legal clean air standards and we don’t want to see that become a vacant lot because dirty air blowing in from Mississippi and Arkansas makes the Memphis air too dirty for new industry to locate there.

We know these rules will add a few dollars to our electric bills, but in our case, most of that is going to happen anyway because the Tennessee Valley Authority has already agreed to put this pollution control equipment on its coal-fired powerplants. We know we can not afford the cost of these expensive upgrades on monthly electric bills because States may give utilities a fourth year to comply with the rule, and the President may, under the law, give them a fifth and sixth year. And Senator PYSJON and I intend to ask the President to give that fifth and sixth year to reduce costs on electric bills.

We know long term this rule will secure a place in America’s clean energy future for clean coal. For example, the largest public utility, TVA, the largest privately owned Southern Company, both plan to put pollution control equipment on their coal plants and to make at least one-third of their electricity from coal over the long term.

In 1980—20 years ago—Congress told the EPA to make this rule when it passed the Clean Air Act amendments. In 2008, the Court told the EPA to make this rule.

Over the years, I have learned that clean air is not only means better health, it means better jobs for Tennesseans, and I am proud to stand up on behalf of the people of Tennessee to uphold this clean air rule.

### Exhibit 1

**[From the Tennessean, June 18, 2012]**

**AIR RULE WILL LITERALLY SAVE US**

*By William Lawson, M.D.*

Power plant pollution makes people sick and can cut lives short. That is why cleaning up coal-fired power plants is a long overdue, lifesaving, necessary step forward. Thanks to Sen. Lamar Alexander has embraced to secure both a healthy and sound economic future for our state.

I treat patients with asthma, chronic obstructive pulmonary disease (COPD), idiopathic pulmonary fibrosis and other lung diseases in those whose lungs are especially vulnerable to these emissions. But they are not the only ones at risk. My children and yours also are highly susceptible to the long-term repercussions of having to breathe dirty air growing up, which science tells us can prevent lungs from maturing properly. We desperately need Sen. Alexander and Sen. Bob Corker to ensure they receive protection from these toxic pollutants now, not years from now.

Protecting them is the recently adopted Power Plant Mercury and Air Toxics Standards, as required under the Clean Air Act. Astonishingly, a campaign is under way to block these public-health protections. Until these standards take effect, coal-fired power plants can theoreticall limits on the amount of mercury or acid gases they may pump out of their smokestacks and into the air we breathe. These standards will prevent 370 premature deaths every year, just in Tennessee and will provide $3 billion in annual health benefits by 2016.

TVA is already well on its way to meeting these air standards, but some in the Senate are working to make it easier for corporate polluters to block the rule from ever taking effect.

Allowing the new emissions standards to move forward will prevent 130,000 asthma attacks and 11,000 premature deaths nationally every year. This reduction in harmful plant emissions will also eliminate 540,000 missed work days on an annual basis, thereby reducing health-care costs and enhancing our overall quality of life.

Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of those exacerbate cancer and can interfere with our children’s neurological development. The public health benefits are just too significant to ignore. Healthy air and healthy hearts have a crystal-clear relationship.

Every day, I see in my patients how avoiding even just one asthma attack, acute respiratory infection or even the briefest hospital stay would dramatically enhance their quality of life. A healthier future is ours to have if we stand behind our leaders who are committed to making tomorrow a reality.

Mr. ALEXANDER, I thank the Chair, and I yield the floor.

*THE ACTING PRESIDENT* pro tempore.

Mr. INHOFE, Madam President, I yield to the Senator from Oklahoma.

Mr. BARRASSO, Madam President, I yield to the Senator from Wyoming.

*THE ACTING PRESIDENT* pro tempore.

Mr. INHOFE, Madam President, I yield to the Senator from Wyoming.

Mr. BARRASSO, Madam President, if the Chair would please give me a warning when 1 minute remains, I would appreciate that.

Today I rise in support of the Inhofe Utility MACT resolution. This resolution protects communities and jobs in the West, the Midwest, and Appalachia, and specifically jobs that depend on coal. These communities depend on coal to heat and cool their homes at an affordable price, to power the factories where they work, and to generate revenue that creates additional jobs.

In 2008, the Court told the EPA to move forward with the rule. And Senator CORKER had said this was a huge decision, when he was talking with a group of students in Connecticut. What he went on to talk about was the fact that basically gas plants are the performance standards, which means if you want to build a coal plant, you have a big problem. He said this was a huge decision, when he was talking about these regulations that have come out from Lisa Jackson, the head of the EPA.

Secondly, upholding this rule means that visitors will soon not even think of calling the Great Smoky Mountains the Great Smoggy Mountains because it is one of the most polluted national parks in America. We want those 9 million visitors to keep coming every year with their dollars and their jobs.

Third, this rule should mean fewer health advisory warnings for our streams that say “don’t eat the fish because of mercury contamination.” Half of the mammal mercury in the United States comes from coal plants, and as much as 70 percent of the mercury pollution in our local environment, such as streams and rivers, can come from nearby coal plants.

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that are currently well within healthy thresholds set by the EPA. I will tell you, the EPA is cooking the books.

No, this rule does very little to protect the public health. In fact, it creates a health crisis in this country because of the additional unemployment—the regulatory assault the rule is going to cause in the West, the Midwest, and in Appalachia.

To highlight the point, on Monday of this week a number of us in the Senate who care about Americans who are doctors, sent a letter to President Obama. I ask unanimous consent to have a copy of this letter printed in the RECORD.

There being no objection, the material is respectfully returned to the Senator from Wyoming.

United States Senate, Washington, D.C., June 18, 2012.

Hon. Barack Obama,
President, United States of America.
The White House.

Dear President Obama: We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of Americans. The decision to withdraw EPA’s plan to revise its ozone standard—a plan which will have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question “What are the health impacts of unemployment?” Today, we are requesting that you consider your former aide’s question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

As you know, proponents of your EPA’s aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our “second opinion”: EPA’s regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

One of the centerpieces of your administration’s efforts to stop American coal development is the Utility MACT rule—a rule that has such severe standards it will cause as much as 20 percent of the existing coal-fired power plant fleet to retire. Combined with numerous other actions by the Environmental Protection Agency (EPA), Interior Department, and Army Corps of Engineers targeting surface coal mining operations, these rules constitute an aggressive regulatory assault on American coal producers, which will hit areas of the heartland—the Midwest, Appalachia, and the Intermountain West—hardest.

The end result will be joblessness across regions of the country whose livelihoods depend on coal development. Joblessness will lead to severe health impacts in these regions.

With regard to the health benefits that EPA claims for Utility MACT, EPA’s own analysis shows us that over 90 percent of the benefits come from reducing fine particulate matter (PM2.5), not air toxics. But EPA also states that “(over 90 percent) of the PM2.5-related benefits associated with [Utility MACT] occur below the level of the [NAAQS].” Not only are PM emissions distinct from mercury and other toxics, but they are also subject to other regulatory regimes. For example, Section 108 of the Clean Air Act directs the EPA to set PM emission levels that are “requisite for protection public health.” Thus, EPA is either double-counting the PM benefits already being delivered by existing regulatory regimes, or setting standards beyond those required to protect public health.

EPA estimates that the cost of the rule will be around $11 billion annually, but that it will yield trillions in benefits from reducing mercury and other air toxics. So by the agency’s own calculations, Utility MACT completely fails the cost/benefit test.

When looking at this analysis, the only conclusion is that Utility MACT, as well as the many other EPA rules that cost billions but yield few benefits are not about public health. They are about ending coal development and the good paying jobs it provides.

We are not the only members in the medical field that are concerned about the effects of a jobless economy on the health and well being of Americans. Dr. Harvey Brenner of Johns Hopkins University testified on June 15 before your own EPA’s National Environ- ment and Public Works Committee explaining that unemployment is a risk factor for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as wealthier families.

Economists and others have also studied this issue. A May 13th, 2012 Op-Ed in the New York Times by economists Dean Baker and Kevin Hassett entitled “Unemployment ‘Health- im- pact’” found that children of unemployed parents make 9 percent less than children of employed parents. The same article cites research by economists Daniel Sullivan and Till von Wachter that found that unemployed men face a 25 percent increase in the risk of dying from cancer.

These are just a few examples of the numerous reports warning of a looming public health crisis due to unemployment. A more thorough evaluation of this problem can be found in a report entitled, “Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment” which we are including here for your review.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and put children out of the doctor’s office. We respectfully ask that your agencies adequately examine the negative health implications of unemployment into the cost/ben- efit calculation. As regulations that are stiffing job growth, before making health benefit claims to Congress and the public.

We ask that instead of exacerbating unemployment and harming public health that you work with us in our efforts to implement policies that achieve true health benefits without destroying jobs, and indeed American coal development, in the process.

Sincerely,

John Barrasso.
Jon Paulsen.
Tom Coburn.
John Boozman.

Mr. Barrasso. In this letter, we expressed our concerns about the impending health crisis the unemployment will cause. The EPA’s policies are having on families, children, pregnant mothers, and on the elderly. The letter reads in part:

We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA’s plan to revise its ozone standard—a plan you made the decision to withdraw EPA’s plan to revise its ozone standard—which will have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question “What are the health impacts of unemployment?”

Today, we are requesting that you consider your former aide’s question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

And that is the key—and economic growth—not economic destruction.

The letter goes on:

As you know, proponents of your EPA’s aggressive agenda claim that regulations that will kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our “second opinion”: EPA’s regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

Later on in the letter we talk about the latest research on the health impacts of unemployment. A doctor from Johns Hopkins who testified last year before the Senate Environment and Public Health Committee explained that unemployment is a risk factor—a risk factor—for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as other families.

Economists have also studied this issue. On May 13, 2012, in the New York Times, is “The Human Disaster Of Unemployment.” That is what this EPA regulation is going to do today, cause additional human disaster for people out of work.

We included for the President a copy of a report I have written called “Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment.” Studies show EPA rules cost Americans their jobs and health. This is based on the latest research from medical professionals from Johns Hopkins, from Yale, and others that show that unemployment causes serious health impacts.

Unemployment has been rampant in this country under this administration, and it has been due in many ways to the mountains of job-crushing red tape from the EPA and other agencies. The EPA’s Utility MACT rule will only make things worse for hard-hit areas in the West, Midwest, and Appalachia.

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lost, Pennsylvania 80,000, and West Virginia 7,000. Each one of these people who lost their job will be subjected to greater risks of cancer, heart attack, stroke, depression. There is a higher incidence, as we know, of spousal abuse, substance abuse in these families. As demonstrated by the latest research, their children will suffer, too, as medical costs pile up, as electricity bills to heat and cool their homes skyrocket, and the cost of every day living continues to go up. The Utility MACT will dispose them to exposure thousands more to these risks.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into their doctor's office. Instead of exacerbating unemployment and harming public health, this administration and this EPA need to work with Republicans—work together in our efforts to implement policies that achieve true health benefits without destroying jobs and, indeed, American affordable energy in the process.

We need to keep American energy and make American energy as clean as we can, as fast as we can, while still keeping good-paying jobs and keeping energy affordable. This is a recipe for a healthier, economically stronger country.

I urge a “yes” vote for the Inhofe Utility MACT amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield myself 1 minute, and I ask unanimous consent to have printed in the Record the following—an editorial written by the very type of companies my friend Senator BARRASSO mentioned who have said they are just fine with the EPA's new air quality regulations. Do you know why? Half of the coal-fired utilities have already made these adjustments. They are clean. And other dirty plants will keep on spewing these adjustments. They are clean. And the time to make greater use of existing modern units and to further modernize our nation's generating fleet is now. Our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation.

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Peter Darbee, chairman, president and CEO, PGE, Portland, Ore.; Peter Fusco, president and CEO, Calpine Corp.; Lewis Hay, chairman and CEO, NextEra Energy, Inc.; Ralph Izzo, chairman, president and CEO, Exelon Corp.; Peter Darbee, chairman, president and CEO, Constellation Energy Group; Thomas King, president, National Grid USA; John Rowe, chairman and CEO, Exelon Corp.; Mayo Shattuck, chairman, president and CEO, Constellation Energy Group; Larry Weis, general manager, Austin Energy.

(From the American Lung Association, Mar. 21, 2012)

NEW POLL SHOWS THE PUBLIC WANTS EPA TO DO MORE TO REDUCE AIR POLLUTION VOTERS SUPPORT STRONGER CARBON POLLUTION STANDARDS TO PROTECT PUBLIC HEALTH

WASHINGTON, DC.—As big polluters and their allies in Congress continue attacks on the Clean Air Act, the American Lung Association released a new bipartisan survey examining public views of the Clean Air Act and the Environmental Protection Agency’s (EPA) carbon pollution standards to protect public health.

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Voters also voiced strong support for stricter standards to control industrial and power sector mercury and toxic air pollution. When asked about setting stricter limits on the amount of mercury that power and other facilities emit, 78 percent of likely voters were in favor of the EPA updating these standards.

Strong support was also seen for stricter standards on industrial boilers. Initially, 69 percent of voters supported the EPA implementing stricter standards on boiler emissions after hearing opposing arguments from both sides of the issue, voters continued to support these standards by nearly a 20-point margin (56 percent favor, 37 percent oppose).

Key poll findings include: nearly three quarters (73 percent) of voters, say that we do not have to choose between air quality and a strong economy—we can achieve both; a 2-to-1 majority (60 to 31 percent) believe that strengthening safeguards against pollution will create, rather than destroy, jobs by encouraging innovation; about two-thirds of voters (66 percent) favor setting new carbon pollution standards by setting stricter limits; 72 percent of voters support new standards for carbon pollution from power plants and a strong majority of likely voters (73 percent) agree that lowering carbon emissions from power plants and other dirty plants will keep on spewing these adjustments. They are clean.

The bipartisan survey, conducted by Democratic Research polling firm Greenberg Quinlan Rosner Research and Republican firm Peter D. Hart Research, includes 721 likely voters nationwide and a margin (56 percent favor, 37 percent opposed). Support remained especially robust in Maine and Pennsylvania (64 percent in each state). The majority of Ohio voters (52 percent) also favored new carbon standards, which is notable since the poll was conducted during a period of heavy media attention concerning statewide electricity rate increases and potential power plant shutdowns.

The bipartisanship affirms that clean air protections have broad support across the political spectrum,” said Peter Iwanowicz, Assistant Vice President, National Policy and Advocacy with the American Lung Association. “Big polluters and their allies in Congress cannot ignore the facts: more air pollution means more childhood asthma attacks, more illness and more people dying prematurely. It’s time polluters and their Congressional allies drop their attempts to weaken, block or delay clean air protections to undermine the public’s well-being and the health of our country. Instead of exacerbating these risks.

The electric sector has known that these rules are coming. Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants. For over a decade, companies have recognized that the industry would need to install controls to comply with the act’s air toxicity requirements, one significant technology exists to cost efficiently control such emissions, including mercury and acid gases. The EPA is now under a court deadline to finalize that rule before the end of 2011 because of the previous delays.

To support that plants are retiring because of the EPA’s regulations fails to recognize that most major industries today are not facing serious demand problems.

The industry would need to install controls to comply with the act’s air toxicity requirements. One significant technology exists to cost efficiently control such emissions, including mercury and acid gases. The EPA is now under a court deadline to finalize that rule before the end of 2011 because of the previous delays.

To support that plants are retiring because of the EPA’s regulations fails to recognize that most major industries today are not facing serious demand problems.
This resolution of disapproval goes against 78 percent of the American people. They are no fools. I heard a second opinion! I have got a third opinion, and my third opinion is that if you look at this poll, you understand that the American people get it. They know the technology exists, and they know these improvements can be made. They know there are jobs created when best-available control technology is put in, and they are opposed to this kind of resolution that would roll back the clock and continue our people breathing in toxins.

Mr. INHOFE. Will the Senator yield? Mrs. BOXER. I won’t yield because Senator CARDIN is waiting. I yield to Senator CARDIN 6 minutes, and then I will yield to the Senator on his time.

The ACTING PRESIDENT pro tempore, The Senator from Maryland.

Mr. CARDIN. Madam President, first I want to thank Senator BOXER for her extraordinary leadership on these issues.

I invite my friend from Wyoming to come to Glen Burnie, MD, and see the 12,000 megawatt Brandon Shores powerplant which it is not only operating, but it is in full compliance with Maryland’s healthy air law that is very similar to the proposed regulations we are debating today. That powerplant didn’t close. It made the investments so that we have a clean energy source and in the process created 2,000 jobs in modernizing that powerplant.

That is why we have many companies that support the regulation, because they know it is going to mean more jobs—including Ceres and American Boller Manufacturers Association, as well as companies such as WL Gore.

I want to thank Senator ROCKEFELLER for his extraordinary statement. I was on the floor listening to him speaking on behalf of the people of West Virginia. They are interested in a clean economy, good health, and jobs.

I want to thank Senator ALEXANDER for speaking up for the people of Tennessee. I believe he understands the importance of sensible air quality standards.

I want to speak on behalf of the people of Maryland, on behalf of the families I have the honor of representing in the Senate.

This is the week that summer camps start. Some parents are going to have to make a decision, when we have a day that is rated as a code orange or a code red because of air quality issues concerning ground-level ozone, as whether they are going to send their child to camp that day if that child has a respiratory issue, an asthma issue, as to whether that child should be outside during that day when we have these air quality warnings. If the parent decides to keep the child at home, they have lost that day of camp and the cost of that day of camp. They have lost a day of work, because somebody is going to have to stay at the house. If they send the child to camp and they have an episode, they may be one of the over 12,000 children who will end up in emergency rooms as a result of dirty air that could be cleaned up by the passage and enactment of this bill.

The chairman of the Environment and Public Works committee can tell us chapter and verse about the number of premature deaths and those with chronic bronchitis. These toxins that are going into our air cause cancers and neurological developmental and reproductive problems. It is particularly dangerous for children. And the source? Powerplants that have not put in the investment for clean air.

This is what has been done in Maryland and in many powerplants around the Nation. In fact, my State—concerned about our health—passed the Maryland Healthy Air Act, and the regulations that legislation are very similar to what these regulations would require. Maryland has reduced its mercury and its SO2 and NOx emissions from the 22-percent level, 90 percent mercury, 80 percent sulfur dioxide, SO2, and NOx.

And it helped our economy, as I have already pointed out, in the Brandon Shores work that was done.

But here is the challenge we have in Maryland. Maryland’s experience shows that an aggressive timeline is not only achievable but it is also desirable. Powerplants are capable of meeting aggressive timelines, and the benefits are unparalleled. Air pollution control protects public health and saves millions of dollars in medical costs. The Environmental Protection Agency is required to do a study of cost benefit: How much cost for how much benefit? For every $1 of compliance cost, we save $3 to $9 for our economy. That is a great investment. We like those types of investments.

The Maryland experience also shows that we need a national standard to effectively address air pollution. Maryland has done what is right, but our State does not have the power to make a State boundary. We are downwind. We have done what is right, but our children are still at risk. That is why we need these standards. We showed that you can do it in a cost-effective way, creating jobs for our communities. You can have a clean environment, you can have a growing economy. In fact, you can’t do it without it. And that is what these regulations are about.

As Senator ALEXANDER said, we have been working 20 years for these regulations. In 1990, Congress passed the Clean Air Act. In 2008, our courts said we can’t delay it any longer.

It is our responsibility to protect the public health. It is our responsibility to do what is right. I urge my colleagues to reject this resolution that would deny us the opportunity of protecting our public health.

I yield the floor.
leaders to set the policy. That is what we are asking. We have this agency stepping way beyond its boundaries, further than our Founding Fathers ever intended, that is putting an absolute burden on the backs of every American.

Along with a handful of other rules on the verge of being implemented or already in place, the Utility MACT rule would cost the economy over $275 billion over the next 25 years, according to the Electric Power Research Institute. The Utility MACT could cost 1.3 million jobs over the next two decades, according to the National Economic Research Association.

On the issue of Utility MACT, I have heard from thousands of West Virginians in the past several weeks. In fact, just yesterday I had 45 of my constituents from Boone County, WV, get on a bus, 756 miles, drive all day to get here to be able to speak to some of us, and drive last night to go back home. That is what they have put in their families. They have either worked in the mines or were working in some aspect of mining.

People think mining is just coal mining and coal mining only. It is not. The energy system, basically—those who work in a battery factory or a machine shop, if they work in any type of ancillary jobs, the ripple effect to their economy is unbelievable. If they work in a powerplant—those people were scared to death because all they hear every day is they are going to lose their jobs because the government is going to shut them down and work against them.

About three-fourths of the miners in that room had already been laid off. They are fighting for their jobs. They brought their families and children with them. They wanted to make sure we could put the faces of real people on the record. My colleagues to do the same. I truly approve of the new rules, and I urge all my Republican friends about jobs. The truth is, if we invest—if the utility industries invest in pollution controls, we will invest in pollution controls, we can create almost 300,000 jobs a year for the next 5 years—meaningful, good-paying jobs as we retrofit coal-burning plants so they do not poison the children of Vermont and other States around the country.

So to Senator INHOFE and others, I respectfully: Stop poisoning our children. Let them grow up in a healthy way.

The Clean Air Act is set to cut mercury pollution by 90 percent using technology that is available right now. That would be good news since the Centers for Disease Control and Prevention say mercury can cause children to have "brain damage, mental retardation, blindness, seizures, and the inability to speak."

We get exposed to mercury simply by eating fish contaminated with it, and we have seen fish advisories in 48 out of the 50 States in this country. Wouldn’t it be nice if the men and women and the kids who go fishing could actually eat the fish they catch rather than worry about being made sick by those fish?

Powerplants are responsible for one-third of the mercury deposits in the United States, but Senator INHOFE’s resolution would let them keep right on burning. His resolution would also eliminate protections against cancer-causing pollutants such as arsenic, as well as toxic soot that causes asthma attacks. Leading medical organizations, including the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association have said “Senator INHOFE’s resolution would leave millions of Americans permanently at risk from toxic air pollution from powerplants that directly threaten pulmonary, cardiovascular and neurological health and development.”

That is not BERNIE SANDERS saying that; it is the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association.

We are talking about preventing thousands and thousands of premature deaths. We are talking about preventing heart attacks. We are talking about what is a very serious problem in my State, and that is asthma. Maybe Senator INHOFE would like to join me in the State of Vermont—I go to a lot of schools and I very often ask the kids and ask the school nurses how many kids are suffering with asthma, and many hands go up. Thank you very much. We do not want to see more asthma in Vermont or in other States that are downstream.

We hear a lot from some of our Republican friends about jobs. The truth is if we are aggressive in cleaning up these coal-powered plants, we can create, and we have already seen created, many good, decent-paying jobs. In fact, if we invest—if the utility industries invest in pollution controls, we can create almost 300,000 jobs a year for the next 5 years—meaningful, good-

Let me point out an important example. In the time I served, I learned that many of my colleagues know of West Virginia only as a coal State. They have no idea what we do and how we do it. This past weekend I wanted to make sure they understood that not only do we have coal, we do natural gas with the Marcellus shale—a tremendous find—we do biomass, we do everything we can, and we think every State should be held accountable and responsible to try to be not only clean, but to try to be in the most environmentally friendly way.

This weekend I invited leaders of the Energy Committee, Senators WYDEN and MURKOWSKI, a Democrat and a Republican, to spend a weekend with me to tour our State to see how West Virginia’s all-in policy for energy works. One of them will likely be the next chair of Energy and Natural Resources, but assure you both of them will work as a team trying to find policy that is needed and work we will hear in both of them say one size doesn’t fit all. We need everything. We need a comprehensive energy plan for this country—which brings me to our recent visit to West Virginia.

They saw energy using an “all-of-the-above” approach. In the eastern part of our State we stopped at Mount Storm. They saw a 265-megawatt wind farm. They saw a 1,600-megawatt coal-fired plant with the most modern technology that cleans the air up to 95 percent. They saw it all. When the wind is not blowing, basically they saw there was no power generated—especially in the hot summer or the cold winter.

Basically what we are saying is we are doing everything we possibly can. We will continue. In short, we saw a little bit of everything that can be done if we work together. I think it should be a bipartisan effort to find a solution. We cannot keep fighting each other, and agencies cannot keep coming in with new legislating. If it has not been legislated, it should not be put into law until we are able to evaluate it.

I appreciate what is being done today, the bipartisan effort we are talking about. We have our differences, but we can come together.

I yield 5 minutes to Senator SANDERS.

The ACTING PRESIDENT pro tempore, The Senator from California.

MRS. BOXER. Madam President, I think when the Senator talks about balance, he ought to recognize that one-half of the coal-fired utilities have already made these adjustments, they have reported to us, with very little impact to electricity rates.

I yield 5 minutes to Senator SANDERS.

The ACTING PRESIDENT pro tempore, The Senator from Vermont.

MR. SANDERS. Madam President, let me begin by saying I suspect that I have two serious points. One is our voting record in the Senate. I want to create jobs, not cut jobs. What Senator BOXER and Senator CARDIN and others are talking about is creating meaningful, good-paying jobs as we retrofit coal-burning plants so they do not poison the children of Vermont and other States around the country.
paying jobs making sure that our air is cleaner and that our people do not get sick.

Let’s talk about job creation and cleaning up our environment. This is not just theory. I am the chairman of the Clean Jobs Caucus, and we have heard from Constellation Energy, which installed pollution controls at their 1,385-megawatt plant in Maryland that cut mercury emissions by 90 percent. This $885 million investment created at its peak 1,385 jobs on-site for boiler makers, steamfitters, pipeliners, operating engineers, ironworkers, electricians, carpenters, teamsters, laborers—just the kind of jobs we want to create. The American people know we have to rebuild our infrastructure. We can create jobs doing that. This is one of the areas where we can create decent-paying jobs and help keep our kids from getting sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SANDERS. I urge very strongly a “no” vote against the Inhofe resolution.

Mr. INHOFE, Madam President, I yield 5 minutes to Senator RISCH.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Madam President, I come to the floor this morning to urge an affirming vote for Senator INHOFE’s resolution. With all due respect to my friend from Vermont, this is not a job-creating bill. Virtually everyone who has looked at that has said this will kill jobs; this will move jobs overseas. Everyone who has looked at this has said it will increase the cost of energy for the American taxpayer.

It does two things: It kills jobs and it increases the cost of energy. Why would anyone vote for this? This is absolute foolishness. Today, Americans are out of work, they are really concerned about jobs. Everywhere I go, people ask me about jobs. They ask me about the economy.

Today, we, as Senators, have the opportunity to do something about that. The failure of this resolution and the implementation of the rule the EPA has put in front of us is going to kill jobs; this will move jobs overseas. It does two things: It kills jobs and it increases the cost of energy. Today, the Congress has lost the ability to pass the laws that govern conduct in the United States. People will argue, yes, but Congress won’t do it; Congress won’t act. That is precisely the point. We were elected by the American people to do something, to make sure the Congress provided some leadership—we do see toxic air emissions from sulfur dioxide and nitrous oxide as well; there is not an appetite with utilities to actually support legislation.

We finally gave it a great try in 2010. My friend Senator INHOFE was part of the effort to get legislation enacted. Finally, I think the utilities said we would rather take our chances on an election and see what the election yields and see if we have to deal with the EPA. Well, we had an election and now the courts are saying: EPA, you have to rule. You have to provide lead time. And the EPA has done that. It is not as if they are jamming it down anybody’s throat.

Senator ALEXANDER and I offered legislation that said by 2015 there has to be a 90-percent reduction in mercury. What the EPA has said is by 2015, there has to be a 90-percent reduction plus they need to address a bunch of other toxic emissions. The EPA said the States can give an automatic 1-year extension. If utilities have problems with getting this done, they can get another extension. This started in 1990. It is 2012. When we play out the string, it could be as late as 2018 to comply.
In the meantime, States including Delaware, Maryland, Pennsylvania, New Jersey, and a bunch of us on the east coast, are downwind of all the States that put up the pollution in the air. We have to breathe it.

Look, the technology exists to fix this problem. Fifty percent of the utilities have already applied the technology. It works. It is broadly deployed. Most utilities have the money to pay for this. If they don’t, they have the ability to raise capital.

The time to act is now, not later. Thousands of workers who wish to do this work. The idea that we have to choose between a stronger economy and a cleaner environment is a false choice. It has always been a false choice, and it is a false choice here today.

I am a native of West Virginia. After my dad finished high school, he was a coal miner for a short time, so I have relatives back in West Virginia. I care about the State and the people who live there. I want to make sure we don’t have that result in our State.

I think that means at some point we have to look at the Congressional Reconciliation Act because these regulations often don’t meet the commonsense standard, and this is one of them. However, it appears to meet the standards that the President would want his regulators to meet.

In 2009, the President said that coal-fired plants would go bankrupt. He said later in the campaign that electricity rates would necessarily skyrocket under his plan to put a cap and trade on pollution. The President’s own Energy Department said that the current cap and trade bill would result in a 34 percent increase on your utility bill in the first year, and the price they pay may be irresponsible.

The American people want their air and water to be cleaner and healthier and most certainly free of toxic pollutants. Vermonters and Americans want this for all of us. Safe water and safe air to breathe should be a valued legacy of our lives in this blessed Nation. We also know that protecting the weakest and most vulnerable members of our society is among Congress’ most solemn duties. This resolution of disapproval undermines that goal. Why should one more child struggle to breath and gasp for air when such suffering is preventable? Why should one more parent die a premature death? Why should one more person die a preventable death? Why should one more person die a shorter life?

Mr. INHOFE. Madam President, I yield to my colleague, the Senator from Missouri, Mr. BLUNT.

The ACTING PRESIDENT pro tempore, The Senator from Missouri.

Mr. BLUNT. Madam President, I thank the Senator for this time. I rise in support of this resolution. We have only been able to use the Congressional Review Act successfully one time, and I think that means at some point we need to look at the Congressional Review Act because these regulations often don’t meet the commonsense standard, and this is one of them. However, it appears to meet the standards that the President would want his regulators to meet.

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During the Bush administration, I offered my own Congressional Review Act joint resolution of disapproval, known as the Leahy-Collins resolution, to contest an EPA mercury rule that was far too weak and failed to protect the American people. It is hard to believe that, almost 7 years later, this issue is still unresolved and we are fighting to save an EPA rule that is fair, just, science-based, and reasonable.

A sound environmental policy that protects our citizens from the hazards of mercury and air toxics is long overdue.

In addition to the numerous health benefits that removing these toxics would mean for our citizens, both young and old, the EPA’s mercury and air toxics standards would protect America’s precious waterways, making them accessible to the sport fishermen of today and for countless generations to come. Today, large game fish from every major river in Vermont, including our State’s greatest lake, Lake Champlain, are so heavily contaminated with out-of-State mercury that people must be warned against eating them. In fact, all 50 States have issued fish consumption advisories, warning citizens how often they should consume certain types of fish because they are contaminated with mercury. Let me repeat that. Because of mercury contamination, every State of our great Nation today warns its citizens to limit consumption of these particular fish. We cannot allow this threat to human health and the environment to continue indefinitely because the resolution of disapproval would strip the EPA of essential tools to address these hazards.

The value of mercury is incalculable as the value of human life and the health of our families. Make no mistake about it: Investing in the new technology mandated by the EPA’s mercury and air toxics standards will save countless lives and will improve the quality of the environment in our communities for years to come. We owe it to ourselves and we owe it to future generations of Americans to make this investment now.

Mr. LEVY: Madam President, our country’s economy and competitiveness in global markets depends on access to affordable energy resources, including electricity that powers our manufacturing plants and keeps businesses operating throughout the Nation. Additionally, affordable electricity is vital to the health, safety, productivity, and quality of life of American families, as well as keeping their budgets in check. Generally, electricity is affordable, however, has come at a cost to our public health and to the environment. Coal- and oil-fired powerplants account for about half of the Nation’s mercury emissions and more than half of the country’s acid gases. Powerplants also contribute about one-quarter of our Nation’s particulate pollution. These emissions from powerplants can cause damage to brain development, premature death, asthma, heart attacks, and other health complications with the heart and lungs.

Under the authority of the Clean Air Act Amendments of 1990, on December 21, 2011, the Environmental Protection Agency, EPA, announced its final rule to establish technology-based emission limits for mercury and other hazardous air pollutants from coal- and oil-fired powerplants, which are estimated to number about 1,400 units nationwide. EPA estimates that about half of the existing units affected by this rule have already installed equipment to meet these emission limits, and many have expended large sums to get there. The other units that need to install pollution control equipment in the next 3 to 4 years could potentially have a competitive market advantage over the companies that have installed the technology if we simply override the EPA.

The emission reductions expected as a result of the rule are projected to improve our Nation’s air quality, resulting in a reduction annually of approximately 11,000 premature deaths, 4,700 nonfatal heart attacks, 130,000 asthma attacks, 5,700 hospital and emergency room visits, 2,800 cases of chronic bronchitis, and 3.2 million restricted activity days. The EPA estimates the value of these health benefits is between $37 billion and $90 billion annually.

Additionally, the rule will also prevent mercury from contaminating vital water resources. All of the Great Lakes and all of Michigan’s inland lakes have fish consumption health advisories due to mercury. This rule would help clean up these lakes and make fish from any lake safer to eat.

In contrast to the benefits that will be provided by this rule, the annual cost of installing and operating the pollution control equipment is estimated at about $10 billion annually. These costs are expected to translate into higher electricity costs of about $3 to $4 per month, although those costs would vary regionally.

Senator INHOFE’s joint resolution of disapproval would completely overturn this EPA rule that limits harmful pollutants from powerplants. Additionally, under the Congressional Review Act, which is the subject of this resolution and which provides the authority for Senator INHOFE to move this measure under expedited procedures, this disapproval resolution would also prevent the EPA from issuing any regulations that are “substantially the same” as the disapproved standards. Thus, this prohibition would effectively require Congress to pass a law creating a new authorization before EPA would be able to do anything about this pollution problem. I support congressional oversight and, in fact, believe Congress should exercise more oversight. But this rule protects the health of Michigan residents by requiring commercially available technology to be installed at powerplants that currently do not have these controls in place. The rule will result in significant air quality improvements, protecting public health and our lakes from harm.

For these reasons, I will oppose this measure.
Mr. KERRY. Madam President, I talked about this phenomenon yesterday on the Senate floor, and today we have even more evidence of what I was talking about: a reckless assault on our environment given new life by the resolution before the Senate today. We are here today to protect the health and safety of men, women, and children, all for the sake of the coal industry, a move that makes people sicker, denying Americans their right to a healthy environment to live in and raise their children.

No one who cares about the health of our citizens, the health of our economy, and the health of our planet should support this resolution. They should be outraged that we are even having this kind of debate. The Congressional Review Act resolution before us would eliminate the Environmental Protection Agency's mercury and air toxics standards, or MATS, for powerplants. Let's be clear about what that means. EPA should be prevented from adopting meaningful replacement standards to protect Americans from mercury and some 80 other air toxics that cause cancer and other health hazards. Let me repeat. Powerplants are known to cause cancer and other health hazards.

The science is unequivocal and has been for years mercury is a known neurotoxin that can have a devastating effect on the brain and nervous system of a developing child, reducing IQ and impairing the ability to learn.

We know the effects of mercury, and we know its source. Coal and oil-based powerplants constitute the largest manmade source of mercury emissions in the United States—they are responsible for half of the mercury emissions in America. They also emit more than 75 percent of the acid gas emissions and 25 percent of toxic metals lead, arsenic, chromium, nickel. We are talking about air toxics. By the way, that is known or suspected to cause cancer and cardiovascular disease, damage to the eyes, skin, and lungs. It can even kill.

Under EPA's MATS, utilities will be regulated for mercury and these other toxics for the first time in our Nation's history. These standards are more than a decade overdue, so it is way past time to end the free ride the polluters have been enjoying. Now, I understand my colleagues calling the $6 in health benefits as the invalidated rule. Translation: It would be nearly impossible for EPA to develop another rule to regulate these pollutants. Industry would have you believe otherwise so that you can vote to pass the CRA with a clear conscience. It is a disingenuous effort, and I sincerely hope that my colleagues will see through it.

Mr. President, it is tragic that polluters want to deny a right as basic as clean, healthy air. And it is tragic that anyone, especially a member of the Senate, would refuse to protect even children and the unborn from poisons. I urge the Senate to turn back this political assault on our environment and support standards that will do so much good for so many Americans. Anything else would be turning our backs on the people we are here to serve.

Mr. LIEBERMAN. Madam President, I rise today in strong opposition to Senator INHOFE's resolution of disapproval concerning the Environmental Protection Agency's mercury and air toxics rule. If passed, this resolution would have a devastating impact on our decades-long effort to clean up the American air we breathe and it would betray the responsible utility managers who have already taken steps to reduce the mercury and air toxics entering our atmosphere.

As I approach the end of my Senate career, I have spent some time reflecting on my past votes and the legacy I hope to leave behind. The debate before us today brings me back to my very first years in the Senate and an effort that has continued throughout my entire time here.

In 1990, I was part of the group of members of the Senate EPW Committee and the administration of President George H.W. Bush who negotiated and passed the Clean Air Act Amendments. At the time, the need for this legislation was painfully clear—acid rain was eating paint off of cars, and thick, visible smog blanketed too many of our cities. Some wanted Congress to turn a blind eye, but we did not. We acted, and we acted together.

During those many weeks, we met daily to reach a bipartisan agreement
that would put our country on the path to cleaner air. It was the leadership of majority leader George Mitchell and President Bush’s representatives, including Boyden Gray, that led us to a grand bargain. Because all of the parties negotiated in good faith with a common purpose, the Clean Air Act Amendments were adopted in an October 1990 vote by an 89-to-10 margin. Think about that: 89 votes in favor of one of the most significant environmental law changes in our history. I regret that such a broad bipartisan agreement in support of our environment will not be repeated this week.

Now, in the final year of my Senate career, we are debating a resolution that seeks to undo one of the provisions that we worked so hard to pass as part of the Clean Air Act Amendments in my first term in office—a requirement that EPA issue standards to reduce emissions of air toxics from stationary sources. That was 22 years ago, but I have long had a personal commitment that EPA finally published the rule that would implement these standards. Administrator Lisa Jackson and Assistant Administrator Gina McCarthy, who served so ably as Connecticut’s commissioner of environmental protection, have brought us a rule that will finally put in place the mercury and air toxics restrictions we have been waiting for.

This resolution would roll back that rule. It would lift national limits on powerplant emissions of air toxics, including mercury. Without this rule, powerplant operators can continue pumping dozens of tons of mercury and hundreds of thousands of tons of other toxic air pollutants into our air each year.

Many of my colleagues have spoken to the extensive health and environmental rationale behind the mercury and air toxics rule, so I will just highlight a few of the most startling statistics. One in twelve American women of childbearing age has mercury blood levels that would put their fetuses at risk for impaired development. These developmental impairments are a human tragedy, denying children their full intellectual and psychological potential.

With respect to the environment, just look at Connecticut. We are blessed by natural beauty—rolling hills, beautiful beaches, vast forests, and flowing streams and rivers. Unfortunately, every single body of water—every lake, stream, river, and pond—in the State of Connecticut has a mercury advisory in place. Where do we think this came from? It was not here before the advent of polluting powerplants spewing mercury into the air. We are blessed by plentiful fresh water, but that gift has been tainted by the mercury that has been spewed into the air over generations. Even in Long Island Sound—Connecticut’s greatest asset—hills, beautiful beaches, vast forests, and rural areas. The statistics send a clear message: if we don’t act now, we risk mass contamination of our Nation’s watersheds, where the pollutant accumulates in fish, other wildlife, and ultimately, in humans. In 2003, Jeff Holmstead, the EPA Assistant Administrator for Air and Radiation under George W. Bush, stated:

Mercury, a potent toxin, can cause permanent damage to the brain and nervous system in children, and particularly in infants. It is particularly dangerous to children when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury.

In New Jersey, mercury has been a widespread and consistent contaminant in freshwater fish collected throughout the State, with unsafe concentrations of mercury being found in both urban and rural areas. The statistics send a clear message: if we don’t act now, we risk mass contamination of our Nation’s watersheds and forests.

The mercury and air toxics standard will work to curb toxic emissions produced from coal powerplants, and to ensure that future emissions comply with set national limits. These new standards are expected to reduce total mercury emissions from coal and powerplants by 90 percent, acid gas pollution by 88 percent, and particulate matter emissions by 30 percent.

Senator INHOFE’s proposal, if enacted, would not only void all of the health benefits unique to the air toxics standard, but also prevent the government from issuing similar standards in the future. In effect, this would
severely curtail the government’s ability to address the serious hazards posed by pollutant emissions. I believe this would be deeply irresponsible.

These national standards are long overdue. In 1990, Congress amended the Clean Air Act to require performance-based regulations of air pollutants, in an effort to reduce toxic emissions produced from industrial sources. That amendment was passed with broad bipartisan support, approved by 89 Senators, 401 House members, and signed by a President, and a President.

And throughout the decades, national standards regulating powerplant emissions of mercury and other toxic pollutants are finally in place. How many more children will be poisoned by mercury in their bodies, if Congress continues to delay or eliminate safeguards ensuring health safety?

In 1990, Congress recognized the harm posed by these pollutants and took appropriate action. Now it is time for us to finally implement them and protect the health of all Americans.

Mr. HATCH. Madam President, I rise today as a signer of the discharge petition for S.J. Res. 37, the Congressional Review Act resolution of disapproval for the Environmental Protection Agency’s Mercury and Air Toxics Standard or MACT rule. I support this measure with all my heart. I urge my colleagues and my fellow citizens who are listening to this debate today to recognize that the EPA’s Utility MACT rule is not just about curtailing emissions from powerplants. At the heart of the Utility MACT rule is an effort to shut down our Nation’s coal-mines and coal-fired powerplants. When President Obama was a United States Senator, he was the deciding vote on the Senate Environment and Public Works Committee to kill the Clean Skies bill which would have reduced mercury emissions in the United States by 70 percent.

Let me be clear about why the liberals on that committee voted against this mercury reduction measure. They did so because they wanted to hold that issue aside and use it to help pass a nationwide climate bill, the biggest antical legislation ever considered by Congress. In other words, killing coal mining jobs and shutting down coal-fired powerplants took priority over real and significant reductions in mercury emissions and any health benefits that would have come with those reductions.

The EPA’s Utility MACT rule was carefully written to ensure that most of its mercury reductions will come from the forced shutdown of coal mines and coal-fired powerplants. It is evident that the rule is not written to allow noncompliant powerplants to remain open.

The fact is that today’s vote does not stop the EPA from regulating mercury from coal-fired powerplants. But it would strip out the obvious on the agenda that is the heart and soul of the current Utility MACT rule. The costs of this rule outweigh the benefits by 1,600 to 1. If ever there were an EPA rule that needed to be sent back to the drawing board, this one is it.

Americans know what is at stake with today’s resolution. If the EPA’s rule is allowed to go forward, it jeopardizes America’s most affordable, abundant, and dependable domestic source of electricity. We hear a lot from the President and his allies about the scourge of inequality and the need for a more progressive economic system. It is hard to take them seriously when you look at their support for this EPA regulation. Regulations such as these are incredibly regressive. This regulation will increase the cost of energy. That might not mean a great deal to the folks who are financing President Obama’s reelection, but to low- and middle-income citizens, increased energy costs hit family budgets hard.

And it will undermine jobs. Anyone who claims to care about job creation, yet opposes passage of this regulation, has to answer a few questions. Americans are tired of lip service when it comes to job creation. They are tired of having a job creation agenda taking a back seat to the agenda of leftist, liberal, anti-coal legislation ever considered by Congress. In other words, killing coal anticoal legislation ever considered by Congress.

They want Congress and the President to be serious about creating jobs and keeping our Nation competitive in a global economy. This regulation not only threatens jobs at coal mines and powerplants.

Much more is at stake. We are talking about a threat to the millions of jobs that are created when we as a nation enjoy the abundant affordable energy that allows us, America, to compete against our aggressive international rivals.

Let me remind my colleagues on the other side of this issue about the success of my own State of Utah. For 2 years running, Forbes magazine has listed Utah as the best State for business and jobs. Utah is a grand success story, and national policymakers should look to it for answers. Why is Utah creating jobs, while many areas of the United States are losing them? Well, there are a number of factors, but a very big one is that we are a very competitive State. After comparing the cost of doing business in other States, more and more companies are moving to Utah. A key factor in that decision is the cost of energy. The State ranks fourth in the Nation for low cost industrial energy rates. I am aware of a number of instances where this has been a deciding factor when a major business decides to relocate to Utah. Almost every case when the States these companies are moving away from have high industrial energy rates. And, yes, about 70 percent of Utah’s power comes from clean, efficient, coal-fired powerplants.

It is obvious that many of my colleagues on the other side of this issue just cannot grasp this truth; but the fact of the matter is that competitiveness is critical to economic growth and job creation. It should come as no surprise that President Obama’s hundreds of anti-energy efforts have failed to grow jobs in this country.

I urge my colleagues to look to my home State of Utah as a model for success. We need to get off the road toward the nanny State. How bad does the European model have to get before we wake up and recognize that we want nothing to do with that type of big government failure. America is great because we are strong and free, and the backbone of a free people living in a free market. And underlying our vibrant and free economy is consistently affordable energy. Affordable energy is the lifeblood of a healthy economy and always has been. I urge my colleagues to protect these fundamentals and send this Utility MACT rule back to the EPA for a major rewrite.

Mr. UDALL of Colorado. Madam President, I rise today to urge my colleagues to oppose passage of this resolution of disapproval of the Mercury and Air Toxics Standards, offered by Senator INHOFE. The Senator from Oklahoma is a powerful advocate for his point of view, but I respectfully disagree that we do not need to control the emission of mercury and other toxics into our air.

This vote is one in a continuous drumbeat of attacks on environmental rules we have seen of late. It is unfortunate that some of my colleagues are attacking clean air and water rules with such fervor, especially in the name of economic recovery. When it comes to putting America back on a firm economic footing, we should be working towards a comprehensive budget solution that shows the American people and the world that Congress can still function in the face of major challenges rather than with attacks on the Environmental Protection Agency.

We often hear vague, catch-all criticisms that upcoming EPA rules—real or imagined—will create uncertainty in the regulated community, impeding economic recovery. The irony is that attacks that seek to delay or remand EPA rules only exacerbate and prolong regulatory uncertainty.

Also, recall that Congress directed EPA in the Clean Air Act more than 20 years ago to develop many of the rules the agency is currently working on. This was done in conformance with the Mercury and Air Toxics Standards. Many other rules are coming about as a result of court orders. So, put simply, EPA is doing its job.

To be sure, Congress also has a job to do when it comes to oversight of administrative rules. For instance, I have been and will continue to work with EPA to make sure EPA actions respect the realities of life in rural and arid communities. This is especially important when it comes to regulations impacting Colorado water users and our farmers and ranchers.

However, wholesale assault on an agency whose mission is to protect...
human health and the environment is neither a recipe for economic recovery nor a path to fostering healthier communities within which our families and neighbors live.

Let me turn specifically to the resolution of disapproval offered by Senator INHOFE.

Many of my colleagues have described on the Senate floor the various health benefits of the rule. I would like to associate myself with their remarks because the health benefits of controlling mercury emissions are remarkable: as many as 11,000 fewer premature deaths each year; 130,000 fewer cases of childhood asthma each year; and 4,700 fewer heart attacks each year just to name a few.

But I want to add two other aspects to the debate. One, clean air and water are good for our economy.

In Colorado, for example, outdoor recreation and tourism make up the second largest sector of our economy. Coloradans enjoy skiing, hiking, hunting, angling, camping, boating and many other outdoor activities, and many Americans come to Colorado for these experiences. Our outdoor recreation economy contributes $10 billion a year to the State’s economy and supports over 100,000 Colorado jobs.

This isn’t limited to Colorado. Nationally, the outdoor recreation economy is worth $646 billion, supporting 6.1 million jobs.

Clean air and water are an integral part of the national outdoor recreation system. It can not function if our children are too sick to come outside to play or our waters are too polluted to fish.

Two, investing in our infrastructure through modern pollution controls is how we ensure long-term economic recovery.

ADA-Environmental Solutions is a company in Highlands Ranch, CO. ADA-Environmental Solutions is the leading producer of mercury control equipment for utilities across the country. Part of their mission is to “sustain the viability of coal” through the development of technologies that “reduce emissions, increase efficiency and improve the competitive position” of their customers.

As the Mercury and Air Toxics Standards go into effect, many utilities will upgrade their facilities with modern pollution controls. It may surprise some of my constituents in Colorado to learn that these plants have been operating without pollution controls for 40 years or more.

Those upgrades will be installed by Americans and provided by companies like ADA-Environmental Solutions. Those upgrades represent an investment in American jobs and a modern utility infrastructure.

In summary, clean air and water do not come at the expense of our economy. Rather, a healthy environment and a healthy economy go hand-in-hand.

Putting safeguards in place on the largest source of mercury emissions in the United States is long overdue. That is why I will be opposing S.J. Res. 37 today, and I urge my colleagues to do the same.

Mr. DURBIN. Madam President, in 1970, smokestacks towered above cities and towns spewing black clouds of toxic pollution into the air.

Sights like these outraged Americans—however, at that time there was no legal way to force these companies to stop polluting the environment.

In response to these atrocities, Congress did two things in 1970: First, Congress created the Environmental Protection Agency to defend our natural resources and force polluters to clean up their factories and plants.

And second, Congress passed the Clean Air Act with overwhelming bipartisan support to help ensure that all Americans could breathe clean air, free from harmful levels of mercury and air toxins from power plants.

Until now, there had been no Federal standards that required power plants to limit their emission of mercury, arsenic, chromium, and acid gases. And so their pollution went unchecked.

This led to power plants becoming the single largest source of mercury in the United States. Power plants are currently responsible for 50% of the mercury, 62% of the arsenic, and over 75% of the acid gases emitted in this country every year.

These are deadly chemicals. Mercury is a potent neurotoxin that can hinder brain development and the central nervous systems of children, even while in their mother’s womb.

And the heavy metals and acids emitted by power plants can cause various cancers and respiratory, neurological, developmental, and reproductive problems.

So the idea that we should allow power plants to continue to pump hundreds of thousands of tons of dangerous pollution into the environment instead of adding any of the readily available pollution controls is completely outrageous.

The harmful, toxic chemical emissions from these plants must be stopped and that is what the EPA’s new Mercury and Air Toxics Standards, or MATS as they are called, does.

When implemented, the new standards will reduce mercury and acid gas emissions from power plants by almost 90%.

These reductions will save billions of dollars in public health spending each year by avoiding thousands of cases of premature deaths, aggravated asthma, and heart attacks.

In fact, every dollar spent to reduce pollution emission under the MATS rule will result in $3–$9 of health benefits.

In my state of Illinois alone, the MATS rule will save $4.7 billion and prevent an estimated 570 premature adult deaths in the next four years.

That might be why recent polling suggests that 77% of Americans support the MATS rule and the reductions in air pollution that it will achieve.

However, Senator INHOFE wants to prevent these critical standards from being enforced—claiming that they are too strict and that companies have not had enough time to prepare.

But, Mr. President, this new rule didn’t come out of nowhere.

Energy companies have known for more than 20 years, since the last changes to the Clean Air Act in 1990, that new air pollution-control rules were coming and that the new rules would require them to reduce their toxic emissions.

That is why many power plants have already made the changes necessary to comply with the new rules by installing scrubbers and other air pollution-control technologies.

However, instead of investing in these available control technologies, some companies did little or nothing over the past decade to improve their old, inefficient plants.

And now these same companies state that it would be impossible for them to comply with the MAT standards without massive job losses and blackouts across the electricity grid. The facts suggest otherwise.

According to the Environmental Policy Institute, the EPA’s new standards are expected to create approximately 8,000 jobs in the utility industry and an additional 80,500 jobs in pollution control equipment by 2015. And the majority of these jobs will be in the construction and labor industries.

Mike Morris is chief executive of American Electric Power, a utility with multiple coal-fired plants. He said, “We have to hire plumbers, electricians, [and] painters when you retrofit a plant. Jobs are created in the process—no question about that.”

In fact, the MATS rule is expected to add a net 117,000 jobs to the economy overall. So to say that we can’t create jobs without allowing dangerous levels of toxic chemicals into the air we breathe is simply wrong. And multiple Federal agencies and third parties—including the non-partisan Congressional Research Service, the Department of Energy, and the Bipartisan Policy Center—have stated that full implementation of the MAT Standards will not cause any reliability concerns for the power grid.

EPA is working closely with the Department of Energy, the Federal Energy Regulatory Commission, State
utility regulators, and the North American Electric Reliability Corporation, to ensure there will be no issues with the electrical grid.

So it seems that we can have clean air and keep the lights on, while simultaneously creating thousands of new jobs.

We don’t have to make the false choice between ensuring clean air and job creation—we can do both.

The bottom line is that acid gases and fine particles are causing serious health problems, especially in our most vulnerable populations—children and pregnant mothers.

The EPA Mercury and Air Toxics Standards will require power plants to cut their emissions of these harmful chemicals by using readily available technology.

Many plants across the country have already proved that the standards can be met while creating jobs and keeping the lights on and businesses running.

So it’s time for Republicans and Democrats to once again come together to protect the health of Americans families and ensure that everyone has access to clean air.

Therefore, I urge my colleagues to vote ‘yes’ on the motion to proceed to Senator INHOFE’s resolution.

Mrs. BOXER, Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. The Republicans have 3 minutes 47 seconds, and the majority has 12 minutes 45 seconds.

Mrs. BOXER, I would take 6 minutes and retain the balance.

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

Mrs. BOXER. Madam President, we are faced with a resolution today to essentially repeal something that has been 20 years in the making and is about to go into effect. It would stop the Environmental Protection Agency from implementing the first-ever national mercury and air toxics standards for powerplants.

A little bit later I will talk about what mercury does to people. Let me assure you, it is not good. I will also talk about the other toxics that are emitted from these dirty plants. They are not good either. When I mention them, just the names will scare us because they are names such as arsenic and chromium. I don’t want to breathe them in and we don’t want to breathe them in.

I will yield and retain the balance.

The ACTING PRESIDENT pro tempore. The Senator from California?

I yield 3 minutes to the Senator from Oklahoma.

Mr. INHOFE. The question was asked by the Senator from California: Whom do we trust, the politicians or unelected bureaucrats?

I yield 3 minutes to the Senator from Kentucky.

Mr. PAUL. The question is, Is pollution getting better or worse? With all
the hysteria, one would think: My goodness. Pollution is getting so much worse. All measurements of pollution show we are doing a good job and much better than we have ever done. Most of the emissions—the big emissions, sulfur dioxide and nitrous oxide—have been reduced for decades. We are doing a good job with pollution.

This rule is about mercury. Powerplants emit this much of the mercury, as shown on this chart. Do my colleagues know that over half the mercury comes from natural sources. Forest fires emit more mercury than powerplants do. We already have eight regulations at the Federal level on mercury. We have a plethora of regulations at the State level.

The question is: Is mercury getting worse or is mercury lessening? For the last 5 years, the amount of mercury that is being emitted has been cut in half. If we measure mercury in the blood of women and children, it is getting less. If we say: What is a safe level of mercury in the blood, we are below that. If we look at populations who eat nothing but fish, the Seychelles Islands, they have found zero evidence that mercury is hurting any of them. When you look at mercury emissions, they are going down.

So the question is: Are we going to have a balance in our country? Does the other side care whether people work? We can do everything possible to try to eliminate this last 1 percent, but the question is: At what cost? Many are estimating 50,000 people are going to lose their jobs. Do we care if people have a job? Yes. We want to be safe, but there has to be a balancing act.

The question we have to ask is: Is the environment cleaner or worse off? The environment is so much cleaner than it used to be. The rules in place are somewhat balanced and are keeping pollution under control. What we don't want to do is go so far over the top that we lose jobs. Is this new rule is estimated to lose 50,000 jobs.

I think the American people need to have a say in this. We don't need to give up that power to unelected bureaucrats we can't remove from office. Let's let our representatives get involved to have more of a balance in the regulations.

I suggest we vote in favor of this resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I understand our time has expired. I ask unanimous consent that Senator KYL have 2 minutes.

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

Mr. KYL. Madam President, S.J. Res. 37 is very important.

If passed, this resolution would overturn one of the most costly and counterproductive regulations ever adopted by the EPA. Unless we in Congress act, that regulation, Utility MACT, would establish the first ever "maximum achievable control technology"—or MACT—standards for "hazardous air pollutants"—or HAP—emissions from powerplants.

The Clean Air Act only allows the EPA to set MACT standards for HAP—under great pressure to harm the public health that would make such regulatory action "appropriate and necessary."

In December 2000, just as a new administration was set to take office, the Clinton EPA, under great pressure from special interests, promulgated a Utility MACT rule based on public health concerns about mercury. The data simply do not support that regulation.

First of all, mercury does not pose health risks via inhalation, but rather only after entering water bodies and accumulating as methylmercury in the aquatic food chain. For humans, the primary route of mercury exposure is through eating fish. Additionally, the EPA itself has acknowledged uncertainties about the extent of public health risks that can be attributed to electric utility mercury emissions, and it admits that "there is no quantification of how much of the methylmercury in fish consumed by the U.S. population is due to electricity emissions.

We now know too that the EPA's projections for major increases in mercury emissions from powerplants at the time the rule was made have been completely wrong. The agency estimated that emissions would increase from 46 tons in 1990 to 60 tons in 2010. But, in fact, they actually declined to just 29 tons in 2011—more than 50 percent below the projections—and all without the MACT rule.

Moreover, the studies EPA relied upon about methylmercury exposure in children and women of childbearing age have also been found to have inflated health risks. More recent research by the CDC indicates that Americans are not being exposed to levels of mercury considered harmful to fetuses, children, or adults. Additionally, both the FDA and the Agency for Toxic Substances and Disease Registry have recommended regulatory levels for mercury that are significantly less stringent than the EPA's reference dose.

With respect to nonmercury hazardous air pollutants—or HAPs—the EPA now states that the benefits for those emissions. Instead, it uses limits for fine particulate matter as a surrogate for a variety of HAPs under the rule. While EPA calls the benefits associated with reducing particulate matter "co-benefits" of establishing the Utility MACT regulation, it has also stated that such reductions are not the primary objective of the rule. If that is the case, why are more than 99 percent of the rule's claimed health benefits only in particulate matter? I am all for incidental health benefits—it is always nice to get more bang for the buck—but that's simply not what is going on here.

Double-counting the benefits from reducing particulate matter as a Utility MACT benefit is, at best, misleading. Indeed, if 99 percent of the quantified health benefits of the rule are not due to reductions in HAPs, can we really call the Utility MACT rule "appropriate and necessary?"

The EPA is trying to pull a fast one by regulating particulate matter—a non-HAP—under the guise of concern about mercury. The agency already regulates particulate matter emissions under the Clean Air Act, and it has been doing so for 15 years. If it believes there are benefits to further reducing particulate matter emissions, it already has the power to do so; adopting S.J. Res. 37 would not prevent such EPA action.

Once the coincidental co-benefits from reducing particulate matter—estimated to be $35 billion to $89 billion, or $3 to $9 per silicium for every dollar of cost—are excluded from Utility MACT, the EPA's own cost benefit analysis demonstrates that the health benefits of the rule are far outweighed by its costs. The EPA estimates that even with the Utility MACT rule would cost $9.6 billion in 2016, and that reductions in mercury emissions would provide just $0.5 to 6 million in health benefits in the same year. This means that, even in the best case scenario, the cost of Utility MACT will exceed its estimated benefits by a factor of 1,600 to 1.

Sixteen hundred to one. The cumulative costs and consequences of this and other EPA regulations are both real and substantial. Final and pending EPA regulations will reduce the diversity of America's energy portfolio, increase energy prices, eliminate jobs, and threaten electric reliability. Whether toward our energy portfolio, we are already seeing negative effects. Coal's share of electric power generation recently dropped to just 34 percent, the lowest level we have seen since the 1970s. As a result, utility companies have already announced plans to shut down more than 25,000 megawatts of electricity rather than upgrade plants with costly new emissions control technology. These changes in our energy portfolio are just the tip of the iceberg. The North American Electric Reliability Corporation— or NERC—estimates that EPA regulations will lead to an additional retirement of 36,000 to 59,000 megawatts of electricity generation. The Federal Energy Regulatory Commission's Office of Electric Reliability has stated that EPA regulations would likely shutter 81,000 megawatts.

These plant closure predictions from nonprofitability reliability organizations are far higher than EPA's estimates. As a result of the closures caused by EPA regulations will not just affect our energy mix—they will also affect grid reliability.
NERC has said that EPA regulations pose the No. 1 threat to grid reliability.

But these reliability organizations are not the only ones concerned about the EPA’s effect on coal and coal power generation. Earlier this month, Moody’s changed its outlook on the coal industry to “negative,” largely blaming the EPA for the downgrade. As Moody’s put it in a statement:

“A regulatory environment that puts coal at a disadvantage along with low natural gas prices have led many utilities to increase or accelerate their scheduled coal plant retirements.

It continued:

In addition, newly proposed carbon dioxide regulations would effectively prohibit new coal plants by requiring new projects to adopt technology that is not yet economically feasible.

I have witnessed the EPA’s attempts to reshape the energy industry through regulation in my home State.

Arizona, a coal-fired power producer for its base-load electricity. Coal mining and plant operations are an important employer and economic engine for Arizonans and, specifically, for our Indian Tribes.

As just one example, take the Navajo Generating Station—or NGS—a 2,250-megawatt facility located on the Navajo Nation’s reservation.

The NGS was constructed as part of a negotiated settlement with environmental interests that, at the time, pre-

ferred a coal-fired powerplant to a hydroproject on the project in the Grand Canyon. It provides more than 90 per-
cent of the pumping power for the Central Arizona Project, Arizona’s primary water delivery system.

The plant and the coal mined to operate it play a vital role in the economies of the Nav-
ajo Nation and the Hopi Tribe, not to mention the State as a whole.

A study prepared by Arizona State University’s Seidman Institute concluded that the NGS and its associated mine will account for over $1 billion in gross State product—GSP—almost $680 million in adjusted State tax revenues, and more than 3,000 jobs.

Yet, the station’s future viability is now directly threatened by Utility MACT and other pending EPA regula-
tions. Right now, the EPA is under-

taking an NGS-specific rulemaking to determine whether additional emis-
sions control technologies should be in-

stalled at the station for purely aes-
thetic visibility reasons, rather than actual emissions reductions.

That rule-

making could require the installation of emissions controls at a cost of more than $1.1 billion.

That is just one power station—just one—$1.1 billion. And we don’t even know yet what the estimated cost of compliance with Utility MACT might be.

Steve Etsitty, executive director of the Navajo Nation EPA, said this about EPA’s regulatory approach:

EPA’s one size fits all’ approach to rule-

making is more trouble or adds the specific concerns and impacts to the Navajo Nation, as well as regional impacts. Making matters worse, EPA’s uncoordinated ap-

proach to rulemakings impacting the same industries creates regulatory uncertainty, increases compliance costs, and puts at sub-

stantial risk the national and regional economies, critical jobs of Navajo people, and the viability of the Navajo govern-

ment.

I couldn’t agree more.

The consequences of a shutdown of the Navajo Generating Station would be felt throughout the State, and even by the Federal Government.

However, a shutdown would most acutely impact Indian tribes, whose economies and ac-

cess to affordable water are highly de-

pendent on the NGS.

Thus, the consequences of the EPA’s regulatory war on coal go far beyond the coal industry itself. Real people in my State and across the country will pay the price.

That is why I urge my colleagues to support the resolution before us today.

I am all for clean air. I don’t know a single colleague who would take the opposite view. And I can assure my friends on the other side of the aisle that we are firmly antimegurary con-
tamination as well. But that is not really the question here.

It is not a matter of clean air versus dirty air, or mercury contamination versus no mercury contamination.

These are false choices. We can have clean air and a healthy economy.

We can reduce mercury levels and reduce unemployment. But we have to be smart about how we regulate.

Utility MACT is simply a bad regula-
tion. It is refuted by the very science used to justify its promulgation. More-

over, its economic effects would be negative and far-reaching, while its es-

imated benefits would be minimal and hardly worth the significant costs.

And it would make domestic energy genera-

tion more difficult at a time of rising energy demand.

With growing unemployment, huge deficits, and anemic growth, this is also the wrong time to be attacking our economy with one of the most ex-

pensive and far-reaching regulations ever to come from the EPA.

We have to be smart about this, and Utility MACT is just not a smart regu-

lation.

I urge my colleagues to support S.J. Res. 37 and help overturn this mis-
guided, job-killing rule.

Again, I will simply say at this point that adopting this resolution is very impor-

tant. The implementation of a regulation which I think has very clearly been established.

It does not meet the test that would be re-

quired for the promulgation of a public health regulation and fails any test of cost-benefit analysis.

Therefore, I urge my colleagues to think about the effect on the industry, on the people of America, on the econ-

omy at this time, and adopt the resolu-

tion offered by the Senator from Okla-

homa.

Mr. INHOFE. Madam President, I un-

derstand there is 1 minute remaining, so let me just clarify a couple things.

First of all, several have made com-

ments about the Clean Air Act. I was supportive of the Clean Air Act. It has done a great job, and I think that should be clarified.

We have had three medical doctors testify as to the health implications on this.

I would only say this: If we are truly concerned about what is happening, keep in mind what the Senator from Alaska, Ms. MURKOWSKI, said. The maximum achievable control technology is not the rule. So if this amendment and they allow this rule to continue, we are effectively killing coal in America that has accounted for almost 50 percent of our industry.

I thank the Chair.

The ACTING PRESIDENT pro tem-
pore. The Senator from California.

Mrs. BOXER. Am I correct that there is 4 minutes remaining on my side?

The ACTING PRESIDENT pro tem-
pore. The Senator from California.

Mrs. BOXER. I yield 1 of those min-
utes to Senator Pryor.

The ACTING PRESIDENT pro tem-
pore. The Senator from Arkansas.

Mr. Pryor. I thank the Senator from California.

Right now, when we open the paper and when we turn on the evening news, we see these ads for clean coal.

We need clean coal. We are akin to the Saudi Arabia of coal. They say we have 400 years’ worth of coal supply in this country. We have the technology now to take 90 percent of the mercury out and a lot of the particulates and we should do it. This is our chance to do it.

This is a rule that has been 20 years in the making. This is not something people dreamed up over the last couple years. This has been 20 years in the making, and Congress has mandated we do this.

I would say this in my part of the closing: We should not have to make a false choice. We don’t have to be anticoal and prohealth. We can be both. We can do what is good for the health of the country and good for coal; that is, have clean coal, uphold the rule, and vote against the Inhofe resolution.

I thank the Chair.

The ACTING PRESIDENT pro tem-
pore. The Senator from California.

Mrs. BOXER. Madam President, the Senator from Oklahoma said I asked: Whom do we trust more, politicians or bureaucrats? No; that is not what I said. I said: Whom do we trust more, politicians or groups such as the Ameri-
can Academy of Pediatrics, the Ameri-
can Association on Respiratory Care, the American Heart Association, the Lung Association, the nurses, the March of Dimes, et cetera.

I believe that when it comes to the trust of the public, these groups have one concern and that concern is the health of our people. That is why I defeat this resolution and allow the Environ-
mental Protection Agency, after 20 years, to finally promulgate a rule that
The motion was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, if I could have the attention of the Senate, we did very well yesterday. We have a lot to do. We have to work on this. We have flood insurance. Both are important issues.

This is going to be a 10-minute vote. The order that has been entered is that all the remaining votes are 10 minutes. We had a 15-minute vote on the first one. I know there are a lot of things going on today, but we are going to have to work around them. That is the most important part of our job—voting. So let's get to work. Let's try to get out of here. We are going to try to finish this bill tonight.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report by title.

The assistant legislative clerk read the amendment as follows:

A bill (S. 3240) to reauthorize agricultural programs through 2017, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

AMENDMENT NO. 2354

Mr. MANCHIN. Madam President, I call up amendment No. 2354. The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2354.

Mr. MANCHIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require national dietary guidelines for pregnant women and children from birth until the age of 2)

On page 361, between lines 8 and 9, insert the following:

“SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

“(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.”

The ACTING PRESIDENT pro tempore. There will be 2 minutes of debate equally divided, 1 minute for each side.

Mr. MANCHIN. Madam President, I do not believe there is opposition to this amendment. I urge my colleagues to support this bipartisan, common-sense amendment that will address a very urgent need in this country: helping our children develop healthy eating habits at a very young age.

I wish to thank my cosponsor, Senator KELLY AYOTTE from New Hampshire, for working with me on this amendment. All this does is require the Department of Health and Human Services and the Department of Agriculture to develop, implement, and promote national dietary guidelines for pregnant women and children up to 2. It is the only segment we have not done. If you are 2 years of age or older, we do it. We try to tell you how to stay healthy, what you should eat, what you should feed your child. This basically fills in the gap for woman from when they become pregnant until 2 years of age.

I urge support of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I yield back all time. It is my understanding that we can proceed with a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2345) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 2382

Mr. MERKLEY. Madam President, I call up amendment No. 2382. The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2382.

The amendment is as follows:

[poll call results]

YEARS—46

Barrosa
Blunt
Boozman
Burr
Chambliss

Coats
Coburn
Cooper
Corker
Cornyn

Grapo
DeMint
Kinz
Graham
Grassley

[poll call results]

nays 53, as follows:

nay

Chambliss
Burr
Boozman
Barrasso
Illinois (Mr. KIRK).

necessarily absent: the Senator from

pore. Is there a sufficient second?

The Assistant Legislative Clerk read amendment No. 2354.

result was announced—yeas 46, nays 53, as follows:

Yeas—46

Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kyl
Landrieu
Lee

Lugar
Manchin
McCain
McConnell
Moran
Markwowski
Nelson (NE)
Paul
Portman
Risch
Roberts

NAYs—53

Akaka
Alexander
Ayotte
Baucus
 Begich
Barrasso
Bingaman
Blumenthal
Boxer
Brown (MA)
Brown (OH)
Cantwell
Cardin
Carter
Casey
Collins
Cochran
Cornyn
Cochran

Corker
Carter
Casey
Collins

Heller
Hatch
Harkin
Inslee
Johns (SD)
Kerry
Klobuchar
Kohl
Kerry

Leahy
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray

Donnelly
Franken
Gillibrand
Hagerty
Harkin
Hawkins
Horner
Johns (GA)
Johns (SD)
Kerry
Klobuchar
Kohl
Kerry

Lautenberg
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray

Cantor
Casey
Collins
Cochran
Cornyn

Brown (MA)
Brown (OH)
Cantwell
Cardin
Carter
Casey
Collins
Conrad
Coons
Coons

Durbin
Fenster
Franken
Gillibrand
Hagerty
Harkin
Inslee
Johns (SD)
Kerry
Klobuchar
Kohl
Kerry

Lautenberg
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray

Cornyn
Cochran
Cornyn

Grassley
Grassley
Grassley
Grassley
Grassley
Grassley
Grassley
Grassley

[poll call results]

[poll call results]
I am pleased that Senator OLYMPIA SNOWE is a cosponsor.

I yield the floor and reserve the remainder of my time.

Ms. STABENOW, Madam President, just for the information of the Senate, Senator DE MINT’s amendment was next, but we have not seen him on the floor yet. So we moved to this amendment.

As soon as he arrives, we will return to the DeMint amendment.

It is my understanding that we can proceed to a voice vote in the meantime.

The ACTING PRESIDENT pro tempore, Who yields time?

Ms. STABENOW, I yield back all time.

The ACTING PRESIDENT pro tempore.

All time is yielded back.

The question is on agreeing to the amendment.

Mr. ROBERTS, Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL, The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 63, nays 36, as follows:

[Table of vote]

The PRESIDING OFFICER, The amendment was agreed to.

Mr. DE MINT, Mr. President, I wish to bring up amendment No. 2273.

The PRESIDING OFFICER, The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. DE MINT) proposes an amendment numbered 2272.

The amendment is as follows:

(Purpose: To eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunication services in rural areas.)

Beginning on page 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

“(B) MAXIMUM.—The amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

“(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels; and

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education; and

“(IV) private entities; and

“(V) philanthropic organizations.”)

The PRESIDING OFFICER, There will now be 2 minutes of debate equally divided.

Mr. DE MINT, Mr. President, the farm bill adds a new grant component to the existing rural utility service broadband loans and loan guarantee program. My amendment would eliminate the authority of the Secretary of the Department of Agriculture to make broadband grants.

Our organic farmers are left in the dark over what is going on. Our organic farmers do not allow the Secretary to waive that requirement.

The amendment would establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have

“(i) remote locations;

“(ii) low community populations;

“(iii) low income levels; and

“(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

“(I) State, local, and tribal governments;

“(II) nonprofit institutions;

“(III) institutions of higher education; and

“(IV) private entities; and

“(V) philanthropic organizations.”

I encourage my colleagues to support this moment of fiscal sanity here.

The PRESIDING OFFICER, The Senator from Michigan.

Mr. STABENOW, Mr. President, I rise today to oppose this amendment. It has a similar impact to one yesterday we defeated by this Senator. It basically goes to the question of whether we are going to allow investment in rural communities—the hardest-hit communities—and whether they will have access to broadband. It really goes to small businesses, in small towns and villages, and whether they are going to have access to sell their products to communities around the globe. We are in a global economy.

In the 1930s and 1940s, we did rural electrification to make sure the farmer...
at the end of the road was connected with electricity. This is the same kind of thing, but it is the Internet. It is broadband. We want to make sure everybody is connected, even those in the remote, rural areas.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—44

Alexander
Ayotte
Barrasso
Blunt
Boozman
Brown (MA)
Burr
Blanchard
Coats
Collins
Coons
Crapo

YEAS—45

Alexander
Ayotte
Barrasso
Blunt
Boozman
Brown (MA)
Burr
Blanchard
Coats
Collins
Coons
Crapo

YEAS—30

Alexander
Ayotte
Barrasso
Blunt
Boozman
Brown (MA)
Burr
Blanchard
Cochran
Collins
Collins
Coons
Crapo

NOT VOTING—1

Kirk

The amendment (No. 2273) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2289

Mr. COBURN. Mr. President, I call up my amendment No. 2289.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma (Mr. COBURN) proposes an amendment numbered 2289.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To reduce funding for the market access program and prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food)

On page 293, strike lines 16 through 19, and insert the following:

SEC. 3102. FINDING FOR MARKET ACCESS PROGRAM

Section 211(c) of the Agricultural Trade Act of 1977 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)—

(A) by striking “and” and after “2005,”; and

(B) by inserting “, and $160,000,000 for each of fiscal years 2013 through 2017” after “2012,”; and

(2) by adding at the end the following:

“(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

“(A) wine tastings;

“(B) animal spa products;

“(C) reality television shows; or

“(D) cat or dog food.”.

Mr. COBURN. This is an amendment that falls in line with the recommendation of the administration as well as every outside group that has ever looked at this program.

The Department of Agriculture has five access to marketing programs. This is just one of them. The administration recommended a 20-percent reduction. We have put forward an amendment to reduce it by 20 percent. We would spend $2 billion over the next 10 years on market access. American contribution of total world agricultural products is on the decline in spite of these programs, and the waste in these programs—if we look at where the money is spent—is unbelievable.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STADENOW. Mr. President, I rise to oppose my colleague’s amendment.

The reality for us is that American agricultural exports is one of the few places where we have a trade surplus right now, and we want to continue that. The current program the Senator is speaking about is all about exports. It is all about jobs. For every $1 invested in this particular market access program, $35 is generated back into economic activity. I think that is a pretty good investment.

We know it is a very important part of the future not for our traditional production agricultural parts of the country but for smaller value-added food products which really is in play. This is the same kind of thing, but it is the Internet. It is the same kind of deal.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I assume he has Chairman’s response that she supports the $20 million that went into a reality TV show in India to purchase cotton other than “made in the United States.” That is where $20 million of it went. That is what is wrong with this program. I am not objecting to the fact that we ought to have market access programs. But when we are wasting $20 million on something that has no connection whatsoever with American agricultural products, we ought to reduce or eliminate it.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. STADENOW. Mr. President, let me say again—and I am not familiar with this. I know we are trying to redevelop an American denim industry. I had a chance to actually visit a denim factory in Texas. We are trying to support our cotton industry. I am not familiar with this, but I urge a “no” vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—55

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (OH)
Cantwell
Cardin
Casper
Casey
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Hagan

YEAS—59

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenstiel
Blunt
Boozman
Brown (MA)
Brown (OH)
Burr
Burr
Burr
Burr
Burr
Burr
Burr
Burr

NOT VOTING—1

Kirk

The amendment (No. 2289) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2293

Mr. COBURN. Mr. President, I call up the pending amendment No. 2293.
The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:
The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2293.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit subsidies for millionaires)
At the appropriate place, insert the following:

SEC. 32. ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.
Section 1001(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1938-aa(b)(2)(A)) is amended—
(1) by striking “limits.”— and all that follows through “clause (ii),” and inserting “limit—Notwithstanding any other provision of law,”; and
(2) by striking clause (ii).

Mr. COBURN. Mr. President, reducing our national debt—which now exceeds $15 trillion—is the most critical issue facing our nation. Our country simply cannot survive if we continue down this unsustainable course. Every area of the Federal budget should be examined to determine, which programs should be priorities.

Federal conservation programs are a good place to start. These programs pay farmers and ranchers to either implement conservation measures on their farms, “working lands”, or to idle their land for conservation purposes, and “land retirement”.

Oftentimes, the financial assistance offered by these programs incentives what is already in the best financial interests of farmers. Natural, market-based incentives already exist to achieve the efficiency and conservation purposes of these programs without taxpayer dollars. Not only that, but these programs also pay farmers and companies that have adjusted gross incomes, AGI, of $1 million or more.

Special rules allow the USDA to waive income limitations for certain programs, which it does on a regular basis. The result is millions paid to otherwise ineligible millionaires each year.

In fact, over the past 2 years, USDA waived the $1 million AGI cap for the programs discussed below and paid a total of $89,032,263 to individuals or entities with an AGI of $1 million or more. Allowing federal conservation programs to make payments to those with an adjusted gross income, AGI, of $1 million or more is simply not a priority for taxpayers.

This amendment would prevent USDA from paying millionaires by eliminating the ability to issue waivers that exempt program participants who have an AGI of $1 million or more from adhering to the program’s payment limit rules.

In total, over a 2-year period, USDA waived program requirements and awarded over $84 million to individuals and entities with an AGI of $1 million or more.

In 2009, the USDA waived program requirements and paid two millionaires a total of $10,334,520, which consisted mainly of a $10 million payment to an investment company in California for restoring wetlands to protect the Riparian Brush Rabbit.

In 2010, the Wetland Reserve Program, WRP, program paid eight individuals with an AGI of $1 million over $74 million. These included almost $22 million to a ranch in Florida.

The company that owns the ranch describes itself as a family-owned company with agricultural, commercial real estate, and asset management operations.” That company also states that it owns a number of commercial real estate properties in New Jersey and Florida. The company also claims holdings that include multi-tenant office buildings, parking lots, a for-profit educational institution, restaurants, and retail property.

In 2010, USDA also paid over $91 million to a company in California. The payment was part of an $89 million purchase by USDA of an easement that places deed restrictions on the use of the land along 26,000 acres of the Fishheating Creek Watershed, partially local programs.

The Department of Agriculture has claimed that the easement purchase would provide support for the crested caracara, Florida panther, and the red-cockaded woodpecker.

Recently, the owners of the ranch listed 2,600 acres for sale for $138.2 million. The property is described as a working ranch with “tremendous recreation and hunting attributes.” The local newspaper has also reported that same ranch was slated for a new 12,000-unit planned community.

Other entities and individuals with an AGI of $1 million or more that received WRP payments in 2010 include:

- $7.92 million to a company in Texas for “restoration and protection of critical wetland and riparian areas”.
- $5.8 million to a farm in North Carolina to promote a “habitat for migratory birds and wetland dependent wildlife.”
- $5.4 million to a ranch in Florida for land with “high potential to significantly improve waterfowl and wading bird habitat”.
- $900,853 to an individual in Kansas to “protect and [for] restoring … valuable wetland resources … for migratory birds and other wildlife.”
- $227,203 to a company in New Hampshire for “wetland restoration;” and $80,000 to two individuals in Mississippi to “restore, protect and enhance wetlands.”

In 2010, USDA waived the $1 million AGI requirement and paid a ranch holding company over $2.7 million through Grassland Reserve Program, GRP, for “protection of critical and unique grasslands.”

Last year, USDA paid four millionaires a total of $392,148 through the Environmental Quality Incentive Program, EQIP. $299,847 of which was aimed at protecting the Sage Grouse by a ranch in California; $50,000 went to a farm. That farm is owned by the W.C. Bradley Company, which is best known for producing Char-Broil outdoor grills and Zebo fishing supplies; remaining amounts of $35,250 and $210,000 went to two family trusts.

The Wildlife Habitat Incentive Program paid $737,000 to three millionaire recipients, with the majority of the funds $449,662 going to protect the Sage Grouse by a family trust in California. A farm in Georgia also received $100,000 through WHIP for “promotion of at-risk species habitat conservation.” The remaining $187,540 went to a company in New Jersey.

Farm and Ranch Land Protection Program, FRPP paid $850,000 to a company in 2009 to protect Raspberry Farms in Hampton Falls, New Hampshire. Raspberry Farms formerly operated as a “popular pick-your-own berries and retail farm stand” in the 1980s and early 1990s.

The former farm was scheduled to be developed for housing, but instead, NRCS, in partnership with local entities, paid a total of $1.6 million to ensure the land will not be developed.

In 2010 USDA paid four individuals and entities with an AGI of $1 million or more a total of $75,540.

Again, this is a very straightforward amendment. Last year the Department of Agriculture paid $10 million to two different individuals, who had an adjusted gross income of over $1 million, through a waiver granted by the Department of Agriculture. Both of these were ineligible, but we give the Department of Agriculture the right to waive that. This amendment would restrict that right for a waiver for people making more than $1 million a year in terms of conservation payments.

There is nothing wrong with conservation programs, but most often these payments are paid in addition to what people are going to do anyway. So what the Department of Agriculture has paid in the past is not necessarily the same money was given well over $100 million to millionaires through our conservation payment programs they would have otherwise done themselves.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. COBURN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would indicate that the conservation program is a very strong, effective program, but I am not objecting, nor is the ranking member, to moving forward with the vote. I believe the Member wishes to have a record rollocall, is that correct? So we would yield back time and ask for a record rollocall vote.

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

The PRESIDING OFFICER. The Senator from Illinois [Mr. KIRK].
The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

The amendment (No. 2293) was agreed to.

Ms. STABENOW. I call up my amendment No. 2454, my amendment together with Amendment No. 2293, the Presiding Officer. The Senate from Arizona, Mr. KYL.

The amendment (No. 2453) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote. Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 2453) was agreed to.

Mr. BEGICH. Mr. President, I move to reconsider the vote.

The amendment (No. 2454) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

The amendment (No. 2453) was agreed to.

Mr. KYL. I oppose the Kerry amendment and hope it will be defeated and that my amendment will be adopted.

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid.

Mr. KYL. The following Senator is recognized——

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid.

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Mr. KYL. The following Senator is recognized——

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid.

Mr. KYL. The following Senator is recognized——

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid.
The result was announced—yeas 59, nays 40, as follows:

YEAS—59

Akaka  Gillibrand  Nelson (NE)
Baucus  Hagans  Nelson (FL)
Begich  Harkin  Portman
Bennet  Inouye  Pryor
Bingaman  Johnson (SD)  Reed
Blumenthal  Klobuchar  Rockefeler
Boozman  Kohl
Brown (MA)  Landrieu  Sanders
Brown (OH)  Lautenberg  Shaheen
Cantwell  Leahy  Snowe
Cardin  Levin  Stabenow
Carper  Lugar  Tester
Casey  Machin  Udall (CO)
Collins  McCaskill  Udall (NM)
Conrad  Menendez  Vitter
Coons  Mckeeley  Warner
Durbin  Mikulski  Webb
Feinstein  Markowski  Whitehouse
Franken  Murray  Wyden

NAYS—40

Alexander  Graham  McConnell
Ayotte  Grasley  Moran
Barrasso  Hatch  Paul
Boozman  Hoeven  Risch
Chambliss  Hatchinson  Rubio
Coats  Inhofe  Sessions
Cooper  Johanns  Shelby
Corzine  Johnson (WI)  Thune
Coryn  Kyl  Toomey
Crapo  Lee  Vitter
DeMint  Lieberman  Wicker
Enzi  McCain

NOT VOTING—1

Kirk

Mr. KYL. The amendment (No. 2454) was agreed to.

Mr. KYL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2554

Mr. KYL. Mr. President, I call up my amendment which is at the desk, No. 2295. I ask for its consideration.

The PRESIDING OFFICER. The amendment will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2295.

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act)

At the end of subtitle A of title III, add the following:

SEC. 205. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People’s Republic of Korea.

Mr. KYL. Mr. President, what I said before was, on four separate occasions over just a couple of months, the administration had assured Members of the Senate that it would not use food aid as an enticement to the North Koreans to come to the negotiating table.

Here are direct quotations from the State Department, comments such as ‘‘had no intention of rewarding them for their actions that their government has already agreed to take.’’ 

Re-affirmed, ‘‘There are no financial incentives for North Korea to meet the precepts or engage in talks.’’

Deputy Secretary of State Bill Burns, ‘‘To be clear, the Administration will not provide any financial incentives to Pyongyang. . . . ‘‘It is not clear on the negotiations. And further that ‘any engagement with North Korea will not be used as a mechanism to funnel financial or other rewards to Pyongyang.’’

We also heard media reports and asked them about. They said no. These media reports are not accurate. U.S. policy toward North Korea has not changed. We have no intention of rewarding North Korea.

And so on. And a mere 3 weeks later, we do exactly the opposite. That is why a waiver for the President to do otherwise does not make any good and why I urge support—

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. KYL. For my resolution which simply prevents the administration from providing food aid to North Korea.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is an important distinction here. If you are going to provide humanitarian assistance in some circumstance, and the administration made good on its promise to do that, it is hard to separate it from the events as they are going forward that you do not control. No matter who is President, the Senate should not tie the hands of any President with respect to this policy.

Ronald Reagan said it best when he said very clearly that ‘‘a hungry child knows no politics.’’ That was Ronald Reagan’s policy. That is the policy of churches all across our country.

The fact is that if the Kyl amendment were to pass, you will have tied the hands of any President on a sensitive national security issue where the President deserves that kind of flexibility.

Without a national interest waiver, you lock into place a prohibition in North Korea. What happens if suddenly you lock into place a prohibition in South Dakota?

Toomey

The amendment (No. 2354) was rejected.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2295

Mr. UDALL of Colorado. Mr. President, I call up my amendment No. 2295. The PRESIDING OFFICER. The amendment will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL], for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS, proposes an amendment numbered 2295.

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the designation of treatment areas)

On page 866, line 21, strike ‘‘$100,000,000’’ and insert ‘‘$200,000,000’’.

Mr. UDALL of Colorado. Mr. President, I have offered this amendment with my colleague THUNE from South Dakota.

This is a commonsense amendment that would increase resources to land managers to address insect and disease epidemics spreading across our forests, while maintaining the farm bill’s more than $23 billion in mandatory savings, and that is important.

This bark beetle epidemic, which is in many States, has left dangerous dying stands of trees that worsen the threat from forest fires. This is particularly evident to Coloradans because, today, we have an 86-
square-mile fire, and more than 1,600 brave firefighters are challenging this blaze, which is already the most destructive fire in Colorado’s history. We don’t expect to fully defeat this fire or bring it to ground for several weeks.

The Forest Service has set a goal of doubling the number of acres treated to address beetle kill and prevent forest fires. This amendment would help them reach that goal. If we don’t pass the amendment, they will not have the wherewithal and resources to do so. I ask my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, I am not going to speak in opposition, but I do ask for the yeas and nays.

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 77, nays 22, as follows: [Rollcall Vote No. 146 Leg.]

YEAS—77

Akaka
Alexander
Baucus
Baucus
Baucus
Bingaman
Blumenthal
Blunt
Booher
Boozeman
Boxer
Brown (OH)
Cantwell
Cardin
Casey
Collins
Collins
Conrad
Coons
Crapo
Durbin
Enzi
Feinstein
Franken
NAYs—22

Aroye
Brown (MA)
Burr
Chambliss
Coats
Corker
Corker
DeMint

Grassley
Hatch
Hutchison
Inhofe
Johnson (WI)
Lee
McCaskill
Moran

Gillibrand
Graham
Harkin
Harkin
Heller
Hoeven
Hoeven
Hoeven

Mikulski

Paul

Walker

Key

Leahy

Toomey

Vitter

NAYs—77

Akaka
Alexander
Baucus
Baucus
Baucus
Bingaman
Blumenthal
Boozeman
Boxer
Brown (OH)
Cantwell
Cardin
Casey
Chambliss
Coats
Collins
Conrad
Coons
DeMint
Durbin
Feinstein
Franken

Gillibrand
Graham
Grassley
Hagan
Harkin
Heller
Hoeven
Hutcheson
Insure
Johnson (SD)
Kerry
Klobuchar
Landrieu
Leahy
Levin

Mikulski

Johnson (WI)
Johnson (SD)
Johnson (WI)
Johnson (SD)
Johnson (WI)

Whitehouse
Wicker

McConnell
McConnell
McConnell
McConnell
McConnell

Nelson (NE)
Nelson (FL)
Nelson (NE)
Nelson (WI)
Nelson (WI)

Marietta

Russell

Vitter

NAYs—22

The assistant bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2313.

The amendment is as follows:

(Purpose: To repeal the forest legacy program)

Beginning on page 863: strike line 15 and all that follows through page 863, line 2, and insert the following:

SEC. 810. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2113(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(A) in subparagraph (B), by inserting ‘“and’’ after the semicolon;

(B) in paragraph (4), by striking ‘“;’ and’’ and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in subparagraph (B), by inserting ‘“and’’ after the semicolon;

(B) in subparagraph (C), by striking ‘“;’ and’’ and inserting a period; and

(C) by striking subparagraph (D).

The PRESIDING OFFICER. There will now be 2 minutes of debate, with the Senator from Utah recognized for 1 minute.

Mr. LEE. Mr. President, I offer this amendment to repeal the Forest Legacy Program. This is a program designed to protect lands in the United States. It is important to remember that the Federal Government is already a massive landowner. It has abundant programs already in place to conserve that land, to protect it. The Federal Government owns about two-thirds of the land in my own State. It owns nearly 30 percent of the land mass within the territorial boundaries of the United States. We do a lot to conserve that land. But when we use this money—money estimated to amount to about $200 million a year in authorization, about $1 billion over a 5-year period—we are using that money to take land out of use. We are using that money to pay people not to use their land for anything. Whenever we look for areas in which we can save money, one area is to not pay people not to use their land.

The PRESIDING OFFICER. The Senator’s time has expired.

Who yields time in opposition?

Mr. LEAHY. Mr. President, I strongly oppose the Lee amendment to repeal this program.

The PRESIDING OFFICER. The Senator from Vermont.

Who yields time in opposition?

The PRESIDING OFFICER. The Senator from Connecticut.

Who yields time in opposition?

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 21, nays 77, as follows: [Rollcall Vote No. 147 Leg.]

YEAS—21

Barrasso
Baucus
Bennet
Baucus
Baucus
Bingaman
Boozeman
Boxer
Brown (OH)
Cantwell
Cardin
Casey
Collins
Conrad
Coons
Crapo
Durbin
Enzi
Feinstein
Franken

Hatch
Hill
Hawley
Hagan
Harkin
Heller
Hoeven
Hutcheson
Insure
Johnson (SD)
Kerry
Klobuchar
Landrieu
Leahy
Levin

Nelson (FL)
Nelson (WI)
Nelson (WI)
Nelson (WI)
Nelson (WI)

NAYs—21

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

Mr. CARDIN. Is there a sufficient second?

Who yields time in opposition?

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MUKLUSKI) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 21, nays 77, as follows: [Rollcall Vote No. 147 Leg.]

YEAS—77

Akaka
Alexander
Aronde
Baucus
Baucus
Bingaman
Boozeman
Boxer
Brown (OH)
Cantwell
Cardin
Carey
Chambliss
Coats
Collins
Conrad
Coons
Crater
Durbin
Enzi
Feinstein
Franken

Gillibrand
Graham
Grassley
Hagan
Harkin
Heller
Hoeven
Hutcheson
Insure
Johnson (SD)
Kerry
Klobuchar
Landrieu
Leahy
Levin

Mikulski

Kraski

Murray

Nelson (NE)
Nelson (FL)
Nelson (WI)
Nelson (WI)
Nelson (WI)

Whitehouse
Wicker

McConnell
McConnell
McConnell
McConnell
McConnell

Mikulski

Rockefeller

Schumer

Shaheen

Snowe

Stabenow

Snowe

Stabenow

Snowe

Stabenow

Stabenow

Thune

UDAL (CO)

Vitter

NAYs—22

Aroye
Brown (MA)
Burr
Chambliss
Coats
Corker
Corker
DeMint

Grassley
Hatch
Hutchison
Inhofe
Johnson (WI)
Lee
McCaskill
Moran

Paul

Walker

Key

Leahy

Toomey

Vitter

NAYs—77

The amendment (No. 2295) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I call up amendment No. 2313.
Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, right now we have 34 amendments left plus final passage. That is 11 hours. I was hoping we could dispose of quite a few of these on voice, but that has not worked out very well. We had a number of people who offered to have their votes by voice, but those were objected to.

We have to finish this bill. We have to do flood insurance this week. I know people have schedules. We have all kinds of things going on, but we have to show a little bit of understanding about the ordeal we have ahead of us.

I am confident we are not going to stay here until 2 o’clock this morning, but we are going to stay here a while because until we have a way of finishing this bill that is set in stone, we are going to have to proceed forward. This is an important piece of legislation but also flood insurance is an extremely important piece of legislation. If we do not complete that by the end of this month, there will be thousands and thousands of people who cannot close their loans every day—not a month, every day.

With the economy in the state it is in now, we need to close every loan, every home that is purchased, every commercial piece of property that is bought. We have to close those now. We cannot tell the American people we tried to get it done, but we could not because we were—whatever.

People have indicated they want to get out of here early tonight. There may be somebody who wants to get out of here earlier tonight than I, but I would be happy to debate that subject with them. But we need to show some cooperation. We have two of the finest Senators we could have managing this bill. Let’s work together and get this done.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2457, AS MODIFIED

Mr. WARNER. Mr. President, I ask to call up amendment No. 2457 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. Warner], for himself, Mrs. Shaheen, Mr. Kirk, and Mr. Bennet, proposes an amendment numbered 2457.

(Actually the amendment is printed in the Record of Tuesday, June 19, 2012, under “Text of Amendments.”)

Mr. WARNER. I further ask the amendment be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

(Purpose: To improve access to broadband telecommunication services in rural areas)

Strike section 6104 and insert the following:

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATION SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950b(h)) is amended—

(1) in subsection (b) striking “loans and” and inserting “grants, loans, and”; and

(2) in subsection (b), by striking paragraph (3) and inserting the following:

(B) Rural Area. The term “rural area” means any area described in section 3002 of the Consolidated Farm and Rural Development Act.

(3) in subsection (c)—

(A) in the subsection heading, by striking “LOANS AND” and inserting “GrANTS, LOANS, AND”;

(B) in paragraph (1), by inserting “make grants and” after “Secretary shall”;

(C) by striking paragraph (2) and inserting the following:

(2) Priority.—

(A) In general.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loan, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service best established under subsection (e);

(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e),

(iii) certify by the affected community, county, or designee, whether the application is—

(aa) the broadband map of the affected State if the map contains address-level data, or

(bb) the National Broadband Map if address-level data is unavailable; and

(iv) provide equal consideration to all applicants, including those that do not have not previously received grants, loans, or loan guarantees under paragraph (1),

(B) Other.—After giving priority to the applicants described in subparagraph (A), the Secretary shall give priority to projects that serve rural communities—

(i) with a population of less than 20,000 permanent residents;

(ii) with remote locations;

(iii) with a high percentage of low-income residents; and

(iv) that are isolated from other significant population centers; and

(D) by adding at the end the following:

(3) Grant amounts.—

(A) Eligibility.—To be eligible for a grant under this section, the project is subject of the grant shall be carried out in a rural area.

(B) Maximum.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

(C) Grant rate.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates to establish higher rates for projects in communities that have—

(i) remote locations;

(ii) low community populations;

(iii) low income levels; and

(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

(I) State, local, and tribal governments;

(II) nonprofit institutions;

(III) institutions of higher education;

(IV) private entities; and

(V) philanthropic organizations; and

(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) for part of an unserved community that is below that minimum acceptable level of broadband service.

(D) Secretarial Authority to Adjust.—

The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant):—

(1) in clause (i), by striking “the loan application” and inserting “an application”; and

(ii) by striking clause (i) and inserting the following:

(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);

(ii) in clause (ii), by striking “a loan application” and inserting “an application”; and

(iv) in clause (i), by inserting “the loan application” and inserting “the application”; and

(II) by striking “proceeds from the loan made or guaranteed under this section are eligible for a loan or guarantee under this section is”;—

(B) in paragraph (2)—

(i) in the matter preceding clause (i)—

(aa) by striking “the proceeds of a loan made or guaranteed” and inserting “grant, loan, or”; and

(bb) by striking clause (i) and inserting the following:

(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e); or

(ii) in clause (ii), by striking “a loan application” and inserting “an application”; and

(II) in clause (i), by inserting “the loan application” and inserting “the application”; and

(III) by striking “for the loan or loan guarantee” and inserting “of the eligible entity”;—

(B) Adjustments.—

(i) increase.—The Secretary may increase the household percentage requirement under subparagraph (A)(ii) if—

(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000;

(ii) in clause (ii), by striking “not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people or
"(I) to not less than 18 percent, if the pro-
served service territory does not have a popu-
lation in excess of 7,500 people;"; and

(ii) in subparagraph (C)—

(1) by striking "grant, loan, or"; and

(2) by striking "service to";

(iii) by inserting "the minimum acceptable level of broadband service established under subsection (e) in" after "service to";

(C) in paragraph (3)—

(1) in subparagraph (A), by striking "loan or" and inserting "grant, loan, or"; and

(2) in subparagraph (B), by adding at the end the following:

"(II) a list of the census block groups or tracts listed under clause (i)(II) so as to ensure compliance with this section; and

"(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

"(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

"(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

(2) the progress towards fulfilling the ob-
jectives for which the assistance was grant-
ed, including—

(I) the use by the entity of the assistance, including new equipment and capacity en-
hancements that support high-speed broadband service for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infras-
structure); and

(ii) the progress towards fulfilling the ob-
jectives for which the assistance was grant-
ed, including—

(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements (A), including any facility upgrades resulting from the Federal assistance; and

(II) the speed of broadband service;

(III) the price of broadband service;

(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

(V) any other metrics the Secretary de-
termines to be appropriate;

(B) shall maintain a fully searchable database, accessible on the Internet at no
cost to the public, that contains, at a min-
imum—

"(i) a list of each entity that has applied for assistance under this section;

(ii) a description of each application, in-
cluding the status of each application;

(iii) for each entity receiving assistance under this section—

(I) the number of the entity;

(II) the type of assistance being received;

(III) the purpose for which the entity is receiving the assistance; and

(IV) each entity's publicly reported rate submitted under subparagraph (A); and

(iv) such other information as is suffi-
cient to allow the public to understand and monitor assistance provided under this sec-
tion;

(C) shall, in addition to other authority under applicable law, establish written pro-
cedures for all broadband programs admin-
istered by the Secretary that, to the max-
imum extent practicable—

"(I) recover funds from loan defaults;

(ii) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet built-out re-
quirements, unacceptable quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

(II) award those funds, on a competitive basis, to new or existing applicants consis-
tent with this section; and

(iii) consolidate and minimize overlap among the programs;

(D) with respect to an application for as-
sistance under this section, shall—

(i) promptly post on the website of the Rural Utility Service—

"(aa) an announcement that identifies—

(aa) each applicant;

(bb) the amount and type of support re-
quested; and

(cc) a list of the census block groups or proposed service territory, in a manner spec-
ified by the Secretary, that the applicant proposes to serve;

(ii) provide not less than 15 days for broad-
band service providers to voluntarily sub-
mit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so as to ensure compliance with this section; and

(iii) if no broadband service provider sub-
mits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

"(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

"(II) any other data regarding the avail-
ability of broadband service that the Sec-
tary may collect or obtain through reason-
able efforts; and

"(E) may establish additional reporting and information requirements for any recipi-
ent of any assistance under this section so as to ensure compliance with this section;";

(5) in subsection (e)—

(A) by redesigning paragraph (2) as para-
graph (3); and

(B) by striking paragraph (1) and inserting the following:

"(I) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

"(A) a 4-Mbps downstream transmission capacity; and

"(B) a 1-Mbps upstream transmission capacity.

(2) ADJUSTMENTS.—

(A) IN GENERAL.—At least one year from the date of completion of any project milestone established by the Secretary; or

(ii) the date of completion of the project.
"(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband data for the National Broadband Map.

"(3) CORRECTIONS.—

(A) IN GENERAL.—The Secretary shall submit to Congress any correction received under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

"(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correction by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of making the grant or loan award decision.

(11) subsection (i) (as redesignated by paragraph (9))—

(A) by striking "$25,000,000" and inserting "$50,000,000".

(ii) by striking "2012" and inserting "2017";

(B) in paragraph (2)(A)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; and";

(iii) by adding at the end the following: "(iii) set aside at least 1 percent to be used for—

(I) conducting oversight under this section; and

(II) implementing accountability measures and related activities authorized under this section.";

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking "loan or" and inserting "grant, loan, or"; and

(B) by striking "2012" and inserting "2017".

The PRESIDING OFFICER. There will be 2 minutes of debate. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this is a broad bipartisan amendment—Warner-Crapo-Kirk-Shaheen-Bennet-Webb. It basically does three things in the broadband area. It accelerates access to those areas that are underserved. As a matter of fact, we have a 2009 USDA IG report which showed that less than 3 percent of loans provided by RUS went toward unserved communities. This will move forward in that area.

Second, it creates greater access and transparency and accountability standards for RUS and applicants. These are items that I know are brought forward from the GAO and the IG of the USDA and CRS. It also allows greater levels of accountability in ensuring that those States that collect data by address—that that information is related to RUS, so we don’t have counties where certain areas are served and other parts are left underserved, never able to get access. It has the broad support of the U.S. Conference of Catholic Bishops, National Taxpayers Union, the League of Rural Voters. I ask bipartisan support of this amendment.

Mr. LEAHY, Mr. President, I have long believed that Congress must work to enact policies that promote the deployment of broadband in rural America. There is no doubt that rural areas lag behind the rest of the country when it comes to access to affordable, quality, high-speed Internet. As the Internet rapidly evolves beyond what the slow speeds offered by dial up service can handle, broadband service is no longer a luxury, it is a necessity. Today, I voted against an amendment that, while well intentioned, may have the unintended consequence of making it harder for the Rural Utilities Service to incentivize broadband expansion and competition in rural areas like Vermont.

I support the provisions in the underlying farm bill that seek to provide additional forms of assistance to broadband projects in rural areas, and I had hoped that the Senate would not significantly alter these provisions. It is important to ensure that the Rural Utilities Service has the flexibility it needs to provide assistance to rural areas—both those that have no service at all and those that have inadequate service.

Senator WARNER’s amendment does contain elements that I support, including provisions that will help to improve transparency and accountability within the Rural Utilities Service Program. Unfortunately, it may go too far in refocusing the scope of the program at the expense of rural communities in Vermont.

I look forward to continuing my work in the Senate to expand broadband service and competition in rural America.

The PRESIDING OFFICER. Who yields time to the opposition? Ms. STABENOW. I am not yielding time in opposition. I commend Senator WARNER and everyone on this amendment for their tremendous amount of work. It makes a tremendous amount of sense. It is real reform. I believe we have an understanding to proceed with a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2457, as modified.

The PRESIDING OFFICER. The amendment (No. 2457), as modified, was agreed to.

Mr. BEGICH. Mr. President, I would like to have the RECORD reflect if there had been a rolcall vote, I would have voted no on this item.

Mr. NELSON of Nebraska, I wish to be recorded also as I would have voted no.

The PRESIDING OFFICER. The Senator from Utah.

The amendment is as follows:

(Purpose: To repeal the conservation stewardship program and the conservation reserve program)

Strike subtiles A and B of title II and insert the following:

SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.


SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.

Subchapter B of chapter 2 of title XII of the Food Security Act of 1985 (16 U.S.C. 3833d et seq.) is repealed.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided. The Senator from Utah is recognized for 1 minute.

Mr. LEE. Mr. President, I propose amendment No. 2314 to repeal the Conservation Reserve Program and the Conservation Stewardship Program. Here we have another instance of the Federal Government paying people not to use their land. In this circumstance, they are being paid not to grow crops on their land, not to use agricultural land.

We have an almost $16 trillion debt. CBO says this amendment would save over $15 billion in mandatory spending over 10 years. Not doing something is something that should be free. Only the Federal Government would try to defend the practice of spending billions and billions of dollars—

The PRESIDING OFFICER. The Senator will suspend for a moment. Senators will please take their conversations out of the well.

The Senator from Utah.

Mr. LEE. Only the Federal Government would try to defend the barbaric, outdated practice of paying people billion of dollars not to use their land.

That is what these programs do. We need to get rid of them. That is why I propose this amendment. I invite my colleagues to join in supporting it.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I strongly oppose this amendment. We have over 648 conservation and environmental groups from every State in the Union supporting our conservation reforms in this bill. This is about protecting land and water and air habitat, wetlands. Ducks Unlimited is a huge supporter of what we have been doing.

The Conservation Reserve Program, which has been in place for 23 years, was shown last year, with the drought, to have had a tremendous effect. We saw some of the worst droughts on record since the Dust Bowl in the last number of months, but we did not have a Dust Bowl and that is because the CRP prevented erosion and the soil where it should stay. This is about our country protecting our land, resources for our children and grandchildren.

I strongly urge a “no” vote.
The PRESIDING OFFICER. The question is on agreeing to the amendment. All those in favor, signify by saying aye.

(Chorus of ayes.)

The PRESIDING OFFICER. No? (Chorus of nos.)

The PRESIDING OFFICER. The ayes appear to have it.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. MERRICKLY). Any other Senator in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—15

Ayotte

Yates

McCaskill

Akaka

Binder

Baucus

Gillibrand

Yetter

Bassano

Coachella

Brown (MA)

Begich

Bennett

Beck

Brown (WI)

Brown (OH)

Burr

Capito

Cardin

Carper

Cassidy

Chambliss

Coefman

Collins

Conrad

Coons

Corburn

Cornyn

Crapo

Durbin

Enzi

Feinstein

Kirk

NOT VOTING—1

The amendment (No. 2314) was rejected.

Ms. STABENOW. Mr. President, I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 247

Ms. STABENOW. Mr. President, before moving to Senator Wyden's amendment, we want to go back to an agreed-upon amendment, which is Schummer amendment No. 2427, to increase research, education, and promotion of maple products.

I call up amendment No. 2427, and I ask unanimous consent that we move forward with a voice vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for Mr. SCHUMER, proposes an amendment numbered 2427.

The amendment is as follows:

(Purpose: To support State and tribal governments, including the development of research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes)

On page 1099, after line 11, add the following:

SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.

(1) Grants Authorized; Authorized Activities.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(A) Promotion of research and education related to maple syrup production.

(B) Promotion of natural resource sustainability in the maple syrup industry.

(C) Market promotion for maple syrup and maple-sap products.

(D) Encouragement of owners and operators of privately held land containing species of tree in the genus Acer—

(i) to initiate or expand maple-sugaring activities on the land; or

(ii) to voluntarily submit the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(2) Applications.—In submitting an application for a grant under this section, a State or tribal government shall include—

(A) a description of the activities to be supported using the grant funds;

(B) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(C) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(3) Relationship to Other Laws.—Nothing in this section preempts a State or tribal government law, including any law of a State or tribal government that is intended to achieve as a result of engaging in such activities.

(4) Eligibility.—To be eligible for a grant under this section, a grantee shall—

(A) have experience in the maple syrup industry; and

(B) have demonstrated a commitment to promoting the maple syrup industry.

(5) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2012 through 2015.

The PRESIDING OFFICER. All time.

Ms. STABENOW. I yield back all time.

The amendment (No. 2427) was agreed to.

Ms. STABENOW. Mr. President, I appreciate Senator Wyden allowing us to go out of order. I will now turn it over to Senator Wyden for his amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I call up my farm-to-school amendment No. 2388.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. WYDEN) proposes an amendment numbered 2388.

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

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

The amendment is as follows:

(Purpose: To modify a provision relating to purchases of locally produced foods)
about what works and what doesn’t. The Agriculture Department’s own Economic Research Service reports that “data and analysis of farm-to-school programs are scarce.”

Under this amendment, the schools win, the farmers win, and the tax-payer wins. I hope we can accept it with a voice vote.

Ms. STABENOW. Mr. President, I yield back all time, and we do have an agreement on a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2388.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. STABENOW. Mr. President, I strongly support this amendment, as does my ranking member. I wish to congratulate Senator Boozman on great work on this amendment. I believe we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2355.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I call up amendment No. 2442.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, again, I hope we can handle this amendment on a voice vote. This is an amendment that would help the gleaners all across the country, who, of course, are the volunteers across America who help get surplus food that would otherwise be wasted out to the hungry at senior centers and at various kinds of food kitchens and other critical hunger programs. Thirty-four million tons of food waste is generated each year. That could feed a lot of people. The gleaners are trying to make sure this perfectly good food goes on the plates of struggling Americans as opposed to millions of pounds of it going into landfills and incinerators.

This amendment, again, costs no money. It simply makes——

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. WYDEN.—it possible to collect and preserve edible food. I hope we accept it on a voice vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I encourage my colleagues to join with me to oppose the amendment.

This amendment would provide government loans for brick-and-mortar projects, including food refrigeration capacity. We are talking about refrigerators—big refrigerators. At a time when we are working to streamline current programs and reduce the size of government, I am concerned we would be expanding the size to serve a new pool of applicants competing for very limited resources at the Department of Agriculture.
Agriculture. In this regard, the gleaners would be taken to the cleaners. I encourage my colleagues to oppose the amendment.

Mr. WYDEN. Mr. President, has all time expired?

The PRESIDING OFFICER. Time in opposition remains.

Mr. WYDEN. I will only state this costs no additional money. Senator STABENOW supports it, and I yield to her.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would just simply say that I strongly support the amendment.

The PRESIDING OFFICER. All time has expired.

Is there further debate in opposition? If there is no further debate, the question is on agreeing to the amendment. All those in favor say aye. (Chorus of ayes.) All those opposed, no. (Chorus of nays.) The nays appear to have it.

Mr. WYDEN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second at this time.

Mr. ROBERTS. Mr. President, I ask a division vote.

The PRESIDING OFFICER. All those in favor of the amendment will stand and be counted.

Now would all those opposed stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the amendment No. 2442 was agreed to.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I send a modification to the desk to my amendment No. 2360.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WHITEHOUSE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I am sorry, Mr. President. We were in discussions. At this moment if we might just pause, we will just object for a moment. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. We are now told that this has been reviewed, and so we have no objection to proceeding to it.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2360, AS MODIFIED

Mr. BOOZMAN. Mr. President, I call up amendment No. 2360, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment, as modified.

The legislative clerk read as follows:

The amendment is as follows:

(Purpose: To provide for emergency food assistance, and for other purposes)

At the appropriate place in title IV, insert the following:

SEC. 4. QUALITY CONTROL BONUSES.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”;

(B) in the first sentence of paragraph (5), by striking “payment error rate” and all that follows through “subsection (d)” and inserting “liability amount or new investment amount under paragraph (1) or payment error rate”;

(2) by striking subsection (d); and

(3) in subsection (d)(1), by striking “subsection (c)(2)”.

On page 337, line 10, strike “$328,000,000” and insert “$271,000,000”.

On page 337, line 10, strike “$341,000,000” and insert “$67,000,000”.

On page 337, line 12, strike “$20,000,000” and insert “$63,000,000”.

On page 337, line 14, strike “$18,000,000” and insert “$61,000,000”.

On page 337, line 16, strike “$10,000,000” and insert “$53,000,000”.

Mr. BOOZMAN. My amendment redirects funding currently going to the States for the administration of SNAP. It puts that money in TEFAP, which provides funding to the Secretary of Agriculture to make commodity purchases given to food banks.

I am sure my colleagues are aware of the difficult situation in our food banks right now. They are under immense pressure in these very difficult economic times.

The importance of TEFAP is it provides food banks with commodities. This amendment takes money currently used to encourage the States to do something that they ought to be doing anyway and reinvests in a program that actually provides food to Americans who need it the most.

I urge a “yes” vote and yield back my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to reluctantly oppose the amendment of my colleague. I appreciate what he is trying to do. I couldn’t agree more about the needs of food banks. That is why in this legislation we increase food bank funding by $317 million.

The problem is the way the Senator wants to do this, which is by reducing the funding available to stop food stamp fraud efforts. It would reduce the SNAP error rates efforts. Right now, what has been done to tackle waste, fraud, and abuse has actually reduced error rates dramatically—by 43 percent. We want to keep that going.

So I certainly support what he is trying to do, but not by taking money away from waste, fraud, and abuse efforts within the food assistance program. So I have to ask for a “no” vote.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BOOZMAN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called), Present.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 35, nays 63, as follows:

(Roll Call Vote No. 149 Leg.)

YEAS—35

Ayoite
Barrasso
Baucus
Boozman
Burr
Chambliss
Coats
Cooper
Crapo
Enzi
Graham
Hagerty
Hatch
Hagan
Gillibrand
Franken
Feinstein
Portman
Shelby
Saxer
Nelson (FL)
Nelson (NE)
Murray
Inhofe
Hutchison
Ihde
Jakson
Johannes
Kyl
Logar
McCain
Marrin
Morr
Morgan
Nelson (WI)
Reid
Nelson (NE)
Reed
Rom
Rockefeller
Santelli
Sander
Schumer
Kohl
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Manchin
McCain
Wyden

NAYS—63

Akaka
Alexander
Begich
Bennett
Ringman
Binkenstaff
Boxer
Brown (MA)
Brown (OH)
Carper
Collins
Casey
Collin
Collins
Conrad
Corker
DeMint
Durbin

Peisten
Franken
Hagan
Harkin
Hatch
Heller
Inouye
Johnson (SD)
Johnson (WI)
Kerry
Klobuchar
Kohl
Landrieu
Laufenberg
Leahy
Lee
Ley
Lieberman
Manchin
McCain
McCaskill
Menendez
Menendez
Mikulski
Murkowski
Murphy
Nelson (NE)
Porter
Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Whitehouse
Wyden
ANSWERED "PRESENT"—1

Paul

NOT VOTING—1

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

The amendment is as follows:

(Purpose: To support the State Rural Development Partnership)

On page 652, between lines 12 and 13, insert the following:

SEC. 3701. STATE RURAL DEVELOPMENT PARTNERSHIP.

(a) DEFINITIONS.—In this section:

(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural responsibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

(2) PARTNERSHIP.—The term ‘Partnership’ means the State Rural Development Partnership continued by subsection (b).

(3) STATE RURAL DEVELOPMENT COUNCIL.—The term ‘State rural development council’ means a State rural development council that meets the requirements of subsection (c).

(b) PARTNERSHIP.—

(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

(2) PURPOSES.—The purposes of the Partnership are to:

(A) lead and coordinate intergovernmental cooperation among the members of the Partnership, including the sharing of best practices;

(B) to cooperate with States to implement the Partnership;

(C) to facilitate effective communication among the members of the Partnership, including the sharing of best practices;

(D) to the extent necessary to plan and implement tailored rural development strategies to meet local needs;

(E) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff;

(F) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

(c) STATE RURAL DEVELOPMENT COUNCILS.—

(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

(2) COMPOSITION.—A State rural development council shall—

(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

(B) have a nonpartisan and nondiscriminatory membership that—

(i) be representative of the economic, social, and political diversity of the State; and

(ii) shall be responsible for the governance and operations of the State rural development council.

(3) DUTIES.—A State rural development council shall—

(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the development of strategies and policies that have an impact on rural areas of the State;

(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

(D)(i) provide to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures;

(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

(A) IN GENERAL.—A State Director for Rural Development shall be established in the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as appropriate in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

(B) ROLES AND RESPONSIBILITIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall provide assistance to, and enter into contracts or cooperative agreements with, a State rural development council.

(C) MATCHING REQUIREMENTS.—A State rural development council may accept private contributions to use in programs that have an impact on rural areas to provide assistance to, and enter into contracts or cooperative agreements with, a State rural development council.

(5) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

(1) DETAIL OF EMPLOYEES.—(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership shall detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period not to exceed 2 years.

(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privileges.

(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall provide administrative and technical assistance to a State rural development council, including administering the financial assistance provided to the State rural development council.

(c) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of a State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

(2) EXCEPTED CATEGORIZATION REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are unappropriated.

(3) DUTY OF ADMINISTRATION.—In the case of a contract, grant, or cooperative agreement entered into by a State rural development council under this section, the Secretary of Agriculture shall operate and manage the contract, grant, or cooperative agreement in accordance with this subparagraph.

(4) FEDERAL PARTICIPATION.—The Secretary may enter into cooperative agreements, gifts, contributions, or technical assistance agreements with a State rural development council.

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.

(3) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.

(2) GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance, or enter into contracts or cooperative agreements with, a State rural development council.

(3) CONTRIBUTIONS.—A State rural development council may accept private contributions to use in programs that have an impact on rural areas to provide assistance to, and enter into contracts or cooperative agreements with, a State rural development council.

(4) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Vermont. Mr. LEAHY. This amendment will reestablish authorization for National Rural Development Partnerships—renamed the Partnership—in the 2012 farm bill. Reauthorization of these effective and efficient councils will allow them to continue their important work of strengthening rural communities in Vermont and across the country.

This reauthorization would recognize the State councils’ on-the-ground leadership in rural communities, and allow them to continue their vital work. I would note that this amendment does not cost a single farm bill dollar; it would merely maintain the States’ statutory authority to establish these State-run rural development councils.

I urge all Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I commend Senator LEAHY, who, as a former chairman of the Agriculture Committee, is a tremendous champion not only for Vermont but for the entire country on these issues.

I yield back the time. I believe we have agreement for a vote on the amendment.
The amendment (No. 2204) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2226

Mr. TOOMEY. Mr. President, I call up amendment No. 2226, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2226.

The amendment is as follows:

(Purpose: To eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance)

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, this is an amendment that repeals the Biorefinery Assistance Program. This is a program that primarily provides loan guarantees to cellulosic ethanol plants.

The fact is the taxpayers are already subsidizing ethanol plants in many ways. The Federal Government already provides a tax credit of $1 a gallon for ethanol. The Federal Government creates a mandate that forces consumers to buy this product whether they want to or not, thereby creating a market for ethanol.

We provide grants for ethanol. Do taxpayers also have to risk their money by guaranteeing loans to subsidize this activity? I do not think that is a good idea. This is the same idea that got us into trouble in so many ways. A similar loan program was the source of hundreds of millions of dollars of losses to Solyndra. And just this year, this very program cost $40 million with the bankruptcy of Range Fuels.

I urge my colleagues to vote for a modest reform here. Repeal one narrow program, the Biorefinery Assistance Program. I urge a "yes" vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. In fact, we are not talking about ethanol. We are talking about, first of all, advanced biofuels using food waste or animal waste or biomass materials. We are talking about biobased manufacturing, which is an exciting new opportunity in making things and growing things together in our country, whether it is corn or wheat byproducts, whether it is soybeans. In fact, if you drive a Ford vehicle, by a hybrid vehicle, a new Chevy Volt, you sit on seats with soy-based foam that is biodegradable, more lightweight, and you get better fuel economy, grown by American soybean growers.

So this is the opportunity for new growth in jobs that is in this bill. It is a part I am very excited about for the future for every part of this country. It involves the fact that 3,000 innovative companies right now engaging in new cutting-edge manufacturing to use agricultural products—

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. To get us off of foreign oil, I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Those in favor say aye. (Chorus of ayes.)

Those opposed say nay. (Chorus of nays.)

The nays appear to have it.

Mr. TOOMEY. I ask for the yeas and nays.

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

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander...McConnell
Ayotte...Moran
Barrasso...Markowski
Begich...Paul
Blunt...Portman
Boozman...Roberts
Burr...Rubio
Chambliss...Sessions
Coats...Shelby
Coburn...Snowe
Corzine...Toomey
Cornyn...Vitter

NAYS—63

Akaka...Murray
Baucus...Nelson (ID)
Bennet...Nelson (NE)
Bingaman...Pryor
Blumenthal...Reed
Boxer...Reid
Brown (MA)...Rockefeller
Brown (OH)...Sander
Cantwell...Santarsiero
Cardin...Schumer
Carper...Shaheen
Casey...Shabaz
Cochran...Snowe
Collins...Tester
Conrad...Thune
Coons...Ulrich
Cooper...Warner
Durbin...Webb
Feinstein...Whitehouse
Franken...Wyden

NOT VOTING—1

Kirk

The amendment (No. 2226) was rejected.

The PRESIDING OFFICER (Ms. KIRK). The following Senator is on his side of the desk.

Mr. KOCH. Mr. President, the amendment (No. 2226) was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. NELSON], for himself, Mr. JOHANNS, Mr. JOHANNS of South Dakota, and Mr. MORAN, proposes an amendment numbered 2242.

The amendment is as follows:

(Purpose: To amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of that Act)

At the end of subtitle C of title XI, add the following:

SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1480) is amended—

(1) by striking ‘‘1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010’’ and inserting ‘‘1990, 2000, or 2010 decennial census, and any area deemed to be a ‘rural area’ for purposes of this title unless another provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020’’;

and

(2) by striking ‘‘25,000’’ and inserting ‘‘35,000’’.

Mr. NELSON of Nebraska. Madam President, this amendment would ensure that rural communities in all our States will remain eligible for housing assistance from the Department of Agriculture.

My amendment simply extends the grandfathering clause these communities have operated under since 1990 and ensures that these communities remain eligible through 2020. This is a bipartisan amendment that is supported by my colleagues, Senators JOHANNS, MORAN, chairman of the Banking Committee, Senator JOHANNS, and my good friend and neighbor Senator TESTER.

I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. I rise to take 10 seconds to support the amendment of my colleague from Nebraska. It keeps in place a program that has been in place since 1990. It is a good amendment.

Ms. STABENOW. Madam President, I commend both Senators from Nebraska. I thank Senator NELSON for this amendment. I support it.

I believe we have an agreement for a voice vote on this amendment, so I yield back all time.

The PRESIDING OFFICER. Hearing no further debate, the question is on agreeing to the amendment.

The amendment (No. 2242) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2433

Mr. TOOMEY. Madam President, I call up amendment No. 2433.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Pennsylvania [Mr. TOOMEY], for himself, Mrs. SHAHEEN, and Mr.
The amendment is as follows:

(Purpose: To reform the sugar program)

Strike title C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following: “(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”;

and

(4) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking “2012” and inserting “2017”;

(B) in subparagraph (B), by inserting “at reasonable prices after ‘stocks’”;

(2) in subsection (b) (1)—

(A) in subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”;

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”;

and

(3) in subsection (c)(2)(C), by striking “if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002”.

(c) E FFECTIVE PERIOD.—Section 356(l) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(l)) is amended by striking “2012” and inserting “2017”.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS

(a) IN GENERAL.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359k) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking “but” after the semicolon at the end and inserting “and”;

(B) by striking subparagraph (B) and inserting the following:

“(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.”;

and

(2) in paragraph (4), by striking “and” after the semicolon at the end;

(b) CONFORMING AMENDMENTS.—

Section 1359bb(c)(2)(C) is amended by striking “, except for” and all that follows through “2002”.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I will claim the first minute and yield the first 30 seconds to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleague from Pennsylvania in supporting his amendment. This is the last opportunity for a bipartisan amendment to reform sugar subsidies that are costing consumers $3.5 million a year and losing 20,000 jobs a year in this country.

This amendment maintains the current sugar program but rolls back the additional subsidies that were provided for sugar in the 2008 farm bill.

Mr. TOOMEY. I thank the Senator from New Hampshire. Let me point out that this amendment is such a modest reform. It lowers the price support on raw sugar, for instance, from 18.75 cents per pound all the way down to 18 cents per pound.

This is an amendment that will save consumers money, save taxpayers money and, most importantly, it will save jobs. As the Department of Commerce pointed out, for every job saved by the sugar program, three jobs are lost. It is a modest amendment that simply restores us to the policy prior to 2008.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this amendment. If we want to jeopardize 142,000 American jobs, this is the vote to do it. We will see these jobs shipped overseas.

The bottom line is that this program operates at zero cost to the taxpayers. The Congressional Budget Office says it will continue operating at zero cost for the next 10 years. This is about American jobs in American communities all across this country. We are talking about 142,000 jobs. If we are imposing this type of trade policy that undermines American jobs, what have we gained? We want to export our products, not our jobs. That is what this amendment would do.

I urge my同事 to oppose it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.
Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 46, nays 53, as follows:

BY A VOTE OF VOICE

Mr. LEE. Mr. President, I have a motion to recommit to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk reads as follows:

The Senator from Utah [Mr. LEE] moves to recommit the bill, S. 3260, to the Committee on Agriculture, Nutrition and Forestry with instructions to report the same back to the Senate with a recommendation that it be enacted into law.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. LEE. Mr. President, I introduce this motion to recommit to move us back to 2008 levels. We cannot continue to kick this can down the road in perpetuity. Our spending levels threaten to impair our ability to fund everything from defense to entitlements and everything that falls in between. This is a good start, and this is something that would cut the 10-year cost of this bill by $254 billion. We need to do it. We need to send it back to the committee, where the committee will have discretion on exactly how to accomplish that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I strongly oppose this motion to recommit. I want to read the cost estimate of the bill prepared by the Congressional Budget Office. This bill spends $23.6 billion less than we project would be spent if those programs were continued as under current law. This bill is $23 billion in deficit reduction, according to the nonpartisan, independent Congressional Budget Office.

Frankly, we believe, in agriculture, on a bipartisan basis, that we have done our job. We have scoured every page, reduced the deficit by $23 billion plus, and eliminated 100 different programs and authorizations within our jurisdiction. Frankly, I think we are offering, within what we can do, reform that is deficit reduction in which we should all feel very proud.

The PRESIDING OFFICER. The Senator from Utah.
Mr. LEE. Madam President, in my approximately 20 seconds remaining, let me say that if we want to continue the same budgeting process that has put us nearly $16 trillion in debt, then we should proceed to vote against this. If, on the other hand, we want to turn this bill around and retain our ability to fund essential government programs, we need to pass this.

I urge my colleagues to support the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CARPER. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The motion was rejected.
The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Delaware [Mr. CARPER], for himself and Mr. BOOZMAN, proposes an amendment numbered 2287.

The amendment is as follows: (Purpose: To modify a provision relating to high-priority research and extension initiatives)

On page 805, strike lines 18 through 22 and insert the following: (43), (47), (53), and (52); (B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and (C) by adding at the end the following: "(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.".

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. CARPER. Madam President, roughly two-thirds of the cost of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has, as we know, risen dramatically, raising with it the cost of chicken and other meats in our supermarkets. These rising costs have placed a strain on the poultry industry, among others, and on consumers too.

That is why I joined with Senator Boozman in offering an amendment to this bill that makes improving the efficiency, digestibility, and nutritional value of feed for poultry and livestock—including corn, soybean meal, grains and grain byproducts—a top research priority at the U.S. Department of Agriculture.

By improving the food used to raise our chickens and livestock we can provide the poultry and livestock industry with a greater variety of feed choices for use in their operations. But this research will not only benefit our country’s food producers, it also benefits our Nation’s families by continuing to provide consumers with affordable high-quality food.

Senator Boozman and I urge its adoption.

Ms. STABENOW. I commend Senator CARPER. I have to say he has mentioned to me many times there are 300 chickens for every person in Delaware. I think I have that in my memory now. I commend him for his work.

We are yielding back time, and we have agreed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2287) was agreed to.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. JOHNSON of Wisconsin. Madam President, I have a motion at the desk. The legislative clerk read as follows:

Mr. Johnson the Senator from Wisconsin, moves to recommit the bill S. 3240 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Wisconsin. Mr. JOHNSON of Wisconsin. This is a pretty straightforward motion. It recommit the bill in the Senate back to the committee to have that committee report back to the full Senate two separate bills. It recognizes the reality that what we have in front of us is not really a farm bill but a food stamp bill. The history is that in 1964 we made food stamps permanent. In 1978 we combined the food stamp portion with the farm bill to ease passage of both votes—to make it easier to spend money. That has worked pretty well because when the food stamp bill was first passed, it cost $375 million—millions—per year. Really, 500,000 people were eligible. Since that point in time it is now going to cost $772 billion over 10 years. It is now 78 percent the size of this entire package.

Again, I think it is more than appropriate to split these bills in two so both bills, the food stamp bill and the farm bill, would get more scrutiny and there would be more debate.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSON of Wisconsin. I ask for the yea and nays.

Ms. STABENOW. Madam President, I call up my amendment No. 2254.

The motion was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2254

Mr. SANDERS. Mr. President, I call up my amendment No. 2254.

The legislative clerk read as follows: The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2254.

Mr. SANDERS. Mr. President, I ask that reading of the amendment be dispensed with.

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

(Purpose: To improve the community wood energy program)

On page 914, line 14, strike “Section” and insert the following: (a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 803(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended— (1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and (2) by inserting before paragraph (2) (as so redesignated) the following: "(1) BIOMASS CONSUMER COOPERATIVE.—The term ‘biomass consumer cooperative’ means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.”.

(b) GRANT PROGRAM.—Section 901(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended— (1) in subparagraph (A), by striking “and” after the semicolon at the end; (2) in subparagraph (B), by striking the period at the end and inserting “; and”; and (3) by adding at the end the following: "(C) grants of up to $50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—"
“(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or
“(iii) the delivery and storage of biomass heating products.”.

(c) Matching Funds.—Section 9013(d) of the Food and Farm Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking “A State or local government that receives a grant under subsection (b)(1)(B) and adding the following:
“(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1) and
“(2) by adding at the end the following:
“(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and non-profit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for the grant.”.

(d) Authorization of Appropriations.—

Mr. SANDERS. Mr. President, this is a noncontroversial amendment which, according to the CBO, has zero costs. It is supported by the National Wildlife Federation, the American Forest Foundation, the Biomass Thermal Energy Council, and the Trust for Public Land.

This amendment would simply allow, under the Community Wood Energy Program, a new category of small grants to be created which would provide seed capital for biomass cooperatives through grants of up to $50,000. These cooperatives would have the opportunity to work with local wood pellet or wood chip manufacturers to supply bulk purchases that provide consumers with modest discounts.

This amendment can help our Nation move forward to more locally produced renewable biomass heating. Again, according to the CBO, it has zero costs, and I would ask for the support of my colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I support the amendment by the Senator from Vermont and yield back time. It is my understanding that we will proceed to a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2254) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2283, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent that the adoption of Vitter amendment No. 2363, as modified, be subject to a 60-affirmative-vote threshold. I turn now to Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I expect this amendment to pass, but I know some Members expected a vote, and I certainly wanted to provide them that vote with a 60-vote threshold.

I urge support of this bipartisan amendment. It does two things. First of all, it clears up a situation in the context of the film industry where there are certain unintended regulations of extras and actors bringing their pets on the set. All of a sudden that is considered a regulated activity which is intended for zoo animals and circus animals, and things such as that. There is no opposition to this part of the amendment at all.

Secondly, because of the modification, which adds a provision supported by myself and Senators BLUMENTHAL, KIRK, and others, that would make it illegal under Federal law to attend an animal fight. It is already outlawed to help organize an animal fight under Federal law. It is also illegal to attend one under State law in 49 States. This will make Federal law similar to State law and will help Federal authorities work with local government in sting operations, and that is what they normally do.

I ask support for this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been in contact with Senator McConnell. We are making good progress here. The goal is to get down to 10 votes. Once we get down to 10 votes, we will stop for the night. We should be able to do that in the next hour or hour and half, give or take a few minutes. I think the goal is reachable.

We will come in tomorrow. We have some important votes tomorrow. Don’t forget that we have flood insurance. I hope we can move up the vote on close-up flood insurance tomorrow. If not, we are going to have to vote on it on Friday. We have done that in the past. We should be able to do that. The goal is 10 votes left by the time we leave here this evening.

The PRESIDING OFFICER. Is there further debate on the Vitter amendment?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STABENOW. Mr. President, if I might, I am not sure if we have anyone in opposition. I rise in strong support of this amendment. We know that there are Members who wanted the opportunity to vote and record a “no” vote, and further, that once we passed this by a voice vote a bit ago, we will have an overwhelming affirmative vote for this amendment. I urge a “yes” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 88, nays 11, as follows:

(Rollcall Vote No. 154 Leg.)

YEAS—88

Akaka Grassley
Ayotte Harkin
Barrasso Hatch
Baucus Heller
Baucus Houen
Benetton Hutchinson
Blumenthal Inouye
Boozman Isakson
Boxer Johnson (GA)
Brown (MA) Johnson (WI)
Brown (OH) Johnson (SD)
Cantwell Kerry
Casey Kirk
Chambliss Landrieu
Coates Lautenberg
Collins Levy
Conrad Lieberman
Coons Logar
Cooney Mann
Coryn McCain
Corker McConnell
Durbin McCollum
Emsi Menendez
Feinstein Merkley
Franken Mikulski
Gillibrand Moran

NAYS—11

Alexander DeMint
Brown (MA) Graham
Burr Inhofe
Coons Johnson (RI)
Colburn Klobuchar
Cowburn Johnson (WI)
Cochran Johanns
Coats Johnson (TX)
Collins Johnson (TN)
Cooney Johnson (UT)
Connor Johnson (VA)
Cornyn Johnson (WI)
Corzine Johnson (WV)
Durbin Knealyze
Enzi Kuchenreiter
Feinstein Kyl
Franken Kirk
Gillibrand Klobuchar
Gillibrand Kyl

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, as modified, the amendment is agreed to.

The Senator from Georgia.

AMENDMENT NO. 2438

Mr. CHAMBLISS. Mr. President, I call up a new Amendment No. 2438. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment to Section 1231(b)(2).

The amendment is as follows:

(Purpose: To establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program)

At the end of subgtitle G of title II, add the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) Highly Erodible Land Program Ineligibility.—

(1) In General.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(i) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”.

EXCEPTIONS.—Section 1237(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—
The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 2437.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person that has an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation.)

At the appropriate place, insert the following:

SEC. 3. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 1102(b)) is amended by adding at the end the following:

"(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that has an average adjusted gross income that exceeds $750,000, the premium subsidy provided with respect to the 2014 reinsurance year shall be 15 percent of the lesser of the premium amount that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

"(C) APPLICATION.—"(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

"(I) the overall operations of the Federal crop insurance program; 
"(II) the number of producers participating in the Federal crop insurance program; 
"(III) the amount of premiums paid by participating producers; 
"(IV) any potential liability for approved insurance providers; 
"(V) any crops or growing regions that may be disproportionately impacted; 
"(VI) program rating structures; 
"(VII) creation of schemes or devices to evade the impact of the limitation; and 
"(VIII) underwriting practices;

"(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

"(I) increase the premium amount paid by producers with an average adjusted gross income of less than $750,000; and 
"(II) result in a decline in the availability of crop insurance services to producers; and 

The PRESIDING OFFICER. The clerk will report.
The PRESIDING OFFICER. Is there an objection?

Mr. DURBIN. Mr. President, how much time does he have remaining?

The PRESIDING OFFICER. No time remaining. Is there a motion?

Mr. DURBIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment. Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Ms. STABENOW. Mr. President, I will support the yeas and nays and stand with the chairwoman and Senator THUNE.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.
The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. Mr. President, on behalf of Chairwoman STABENOW, myself, Senator THUNE, and every farm organization and commodity group in America, I rise in opposition to this amendment. It will impact every single producer in the program, not those that exceed this arbitrary limit or "rich producers." The rest will pay higher premiums when they are out of the program because that is what happens with an insurance pool. I have no doubt, just as sure as I am standing here and the Senator from Oklahoma is sitting there and contemplating this, that under this amendment we will soon return to the days of low crop insurance participation, multibillion-dollar ad hoc disaster programs, just as in the 1990s—$36 billion over 10 years, $11 billion in 1 year. These are a disaster to plan, to legislate, and to implement.

If you are for these ad hoc disaster programs, you better hide for at least 6 weeks in your office. We just passed two where you are hiding for 2 and 4. Now you are going to have to hide in your office for 6 weeks. Don’t hide in your office for 6 weeks. Vote no.

The PRESIDING OFFICER. The Senator’s time has expired.

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

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator’s time has expired.

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

The PRESIDING OFFICER. The Senator’s time has expired.

The question is on agreeing to the amendment.

The clerk will call the roll.

[Names of Senators]

The votes will start, but as soon as we can. There will be votes all through the lunch hour. Everybody should understand that. We hope to be able to finish by 3 p.m. tomorrow afternoon.
The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2432.

The amendment is as follows:

(Purpose: To repeal mandatory funding for the farmers market and local food promotion program. In section 10008(7), strike subparagraph (A).)

Mr. CHAMBLISS. Mr. President, this amendment simply strikes $20 million annually in mandatory funds from the Farmers Market Promotion Program. The program will still retain its author for budgetary appropriations at $20 million per year.

I understand the important role that farmers markets play in connecting consumers with the farmers who grow their food. However, this is a grant program that should be funded with discretionary appropriations. We cannot give every program in the farm bill mandatory money at a time of fiscal crisis.

The number of farmers markets in the United States has grown exponentially over the last 5 years. The Agriculture Marketing Service reports that in mid-2011, there were 7,175 farmers markets in the United States. This was a 17-percent increase over 2010.

This amendment will save the government $200 million over the next 10 years while still allowing the program to retain its integrity. I ask for consideration and for an affirmative vote.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. This relates to a very important growth area in agriculture regarding farmers markets. We now have farmers markets all across the country in every community, providing the chance for local growers to come together, for families to receive healthy food and have access to local food in their communities.

I know in Michigan for every $10 families spend at a farmers market we have $40 million in economic activity—just in Michigan alone, for $10.

I strongly urge a “no” vote on this amendment.

The PRESIDING OFFICER. The amendment (No. 2432) was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first want to say thank you to all of our colleagues for their wonderful work today—and apologize. I think when I was speaking a moment ago I was not exactly clear, after numerous hours on the floor. It is true that if a family spends $10 at a farmers market, it generates economic activity in Michigan of $40 million—that is if every family in Michigan spent $10. I don’t know if that is any clearer, but I apologize. I think at the end of the day I was not clear.

Before going to a unanimous consent request, I thank the leader—both our leaders for their patience and diligence and for supporting our efforts. We have had a long day. People have worked very hard. We are near the end. We are going to have a farm bill. We are going to have major reform, $23 billion in deficit reduction. We are doing it altogether through a process where we have put in place amendments, and the Senate is operating in regular order. We appreciate everybody’s hard work, hanging in there with us as we get this done, which we are on the path to do tomorrow.

AMENDMENT NO. 2202

I ask unanimous consent that the Bennet-Crapo amendment No. 2202 be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2202) was agreed to, as follows:

(Purpose: To improve agricultural land easement programs.)

On page 205, line 4, insert “by eligible entities” after “purchase”.

On page 207, lines 10 and 11, strike “contiguous acres area” and insert “area”.

On page 208, line 24, insert “if terms of the easement are not enforced by the holder of the easement” before the semicolon at the end.

EASEMENT AND INSECT INFESTATION

Mr. BENNET. Mr. President, I rise today to speak in strong support of the farm bill we have on the floor, and to recognize chairwoman STABENOW and ranking member ROBERTS as the co-chair of the Agriculture Committee with strong, bipartisan support.

I would like to express my strong support for the bill’s work on conservation including a reformed and stronger conservation title, and a provision known as “sodsaver” that was authored by Senator THUNE of South Dakota. I was a proud cosponsor of the provision when we marked up the bill in committee, and I am glad to see it in the package on the floor. I would also thank the Chair for including the Bennet-Crapo amendment regarding conservation easements in the consent agreement, and I look forward to the amendment’s expected passage later today.

Finally, I hope to continue to work with the chair and ranking member on two topics.

The first is easement policy. In my State of Colorado, easements are an especially critical component for environmentally vital and valuable grasslands. We did a lot of great work in the committee to simplify this program and make it easier for the administration, partner entities, and landowners to use. One great thing S. 3240 does is provide a waiver for grasslands of significance, making it easier for the Secretary to enter into agreements to conserve these areas. The west is experiencing grassland loss, which impacts soil and water quality. Anything we can do to make it easier to protect this land is needed.

The second issue centers on treating insect infestations in our national forests. My State and others are experiencing epidemic levels of insect infestations causing unbelievable levels of tree mortality. I have been working with Senator BINGAMAN, Senator BAUCUS, Senator WYDEN, Senator MARK UDALL and others to make sure we have policies in place to react to the situation.

It is my understanding that the chairwoman would be willing to work with me on these important issues; is that correct?

Ms. STABENOW. Mr. President, I thank the Senator for his leadership as chairman of our conservation subcommittee. I have been glad to work with the Senator on this legislation and I am committed to continuing to work with him on easement and forestry issues.

CONSERVATION EASEMENT PROGRAM

Ms. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senators from Michigan and Vermont, Senators STABENOW and LEAHY. I wish to address a problem that affects many farmers and agricultural producers in States, including New Hampshire, with significant forest cover. Agricultural producers face tremendous development pressures as the value of land increases. As chairwoman of the Agriculture Committee, I know Senator STABENOW has a great familiarity with this issue.

Ms. STABENOW. Mr. President, I thank my friend, the senior Senator from New Hampshire, for bringing attention to this important matter and for her incredible leadership on forestry issues. Since she was first sworn into the Senate, we have worked together on forest conservation efforts, which are so important for the Granite State and the Great Lakes State. As my friend knows, development and sprawl are certainly pressuring our productive agricultural lands. One critical component of the Agriculture Reform, Food, and Jobs Act of 2012, the Agricultural Conservation Easement Program, provides continued funding to allow farmers and ranchers to voluntarily purchase easements on their land to keep it in agricultural use.

Mrs. SHAHEEN. Mr. President, I agree that easement programs are an essential part of the effort to keep land available for agriculture. In New Hampshire, the Farmland Protection Program has provided crucial backup development pressures, but the program has not been as effective as it can be. I know Senator LEAHY helped to create the Farmland Protection Program when he was chairman of the Agriculture Committee and his State has used this program very effectively.

Mr. LEAHY. Like New Hampshire, Vermont is one of the most forested States in the country. Even farms with a significant amount of open space tend to have significant forested acreage and both are enormous development pressures. While many agricultural producers in my state would like to purchase easements to keep
their lands working, a 2008 Natural Resource Conservation Service rule prohibited the agency from protecting tracts with more than two-thirds of their acres under forest cover. This rule has hampered conservation efforts in Michigan. Has it had a similar effect in Michigan?

Ms. STABENOW. It has. Like New Hampshire and Vermont, Michigan is heavily forested and this NRCS rule has prohibited the ability of agricultural producers to purchase on their working lands. I would like to clarify that it is not the intent of Congress to limit eligibility for critical easement programs based on the forested acreage of other eligible land.

Mrs. SHAHEEN. I thank my friend for making that critical clarification. Agricultural producers in New Hampshire and many other States work primarily on small farms. They may actively use only a small number of their acres at any given time, and the rest of their parcels tend to be forested. We need to ensure that Federal programs are tailored to fit local conditions and doing just that. But when the market fails, there has to be a failsafe to prevent our farm policy from driving off a cliff—taking jobs and food security with it.

Mr. BAUCUS. I agree with my good friend, the majority leader, that this farm bill would provide us a market-based solution to this weakness in the Agricultural Risk Coverage program.

One of the lingering questions is what happens to the Agricultural Risk Coverage program should we have a few years of consecutive price collapses in the market. I agree that the Agricultural Risk Program should follow market signals, and I commend this bill for doing just that. But when the market fails, there has to be a failsafe to prevent our farm policy from driving off a cliff—taking jobs and food security with it.

So although the bill is a step forward, in creating a market-oriented safety net, it does not provide optimal protection for multi-year price declines. I filed an amendment which would have added price protection should we have multi-year price declines while ensuring it does not distort the marketplace.

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends and colleagues the Senator from Michigan and Chair of the Agriculture Committee, Senator Stabenow, and the Chairman of the Finance Committee, Senator Baucus, from Montana.

The Senate has been working the past few weeks to get an agreement to move forward and complete our work on the Farm Bill. The Senate Agriculture Committee passed a strong bipartisan bill out of the committee under the strong leadership of Senator Stabenow.

The Farm Bill is a reform bill which cuts federal spending by $23 billion. This is a rare example, this Congress, of Senators working across the aisle to pass a bill which helps to expand our markets abroad, keep food on the table for working families, and ensure our conservation dollars are funding projects to protect the land for years to come.

With all of the changes in the farm bill the largest changes have been made to the Commodity Title of the Farm Bill. Congress has eliminated direct payments for a market-based safety net which will pay producers when they actually experience a loss, known as the Agricultural Risk Coverage program. As directed by the amendment in this farm bill, how does the bill protect producers against multi-year price declines?

Mr. BAUCUS. I agree with my good friend, the majority leader, that this farm bill would provide us a market-based solution to this weakness in the Agricultural Risk Coverage program and I ask the majority leader and Senator Stabenow for their continued work and advocacy for ensuring the farm bill works for parts of the country and all commodities.

Through the committee process, Senator Baucus has been true a leader to improve the Agricultural Risk Coverage program so it offers an adequate safety net to all farmers.

I think we have made great strides through the Senate Agriculture Committee markup in April but I understand there are differences in the beginning of the process and not the end.

I believe the amendment Senator Baucus filed is thoughtful and would provide the Agricultural Risk Coverage program with an additional layer of protection from several years of steep price declines. I would like to address this issue in conference and include a market-based solution to multi-year price declines.

The farm bill supports over 16 million jobs nationwide. The farm bill is the truest jobs bill Congress has considered in the 112th Congress. As Senator Baucus said, we need to guarantee that our farmer’s safety networks for every farmer and rancher in America.

VOTE EXPLANATIONS

Ms. McCASKILL. Mr. President, Senator Nelson of Nebraska’s amendment No. 2242 to S. 3240 passed the Senate today by voice vote. I hope the Senate chamber at the time the voice vote on the amendment was taken, had I been present or had the amendment been subject to a roll call vote, I would have voted “present.”

Mr. TESTER. Mr. President, had there been a recorded vote on amendment No. 2457 I would have opposed it. This amendment creates new and unnecessary reporting requirements that will burden rural broadband companies and could slow down the growth of broadband expansion in states like Montana.

Ms. STABENOW. Mr. President, I believe we are waiting on another possibility of an agreement on amendments that may come tomorrow. But at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LANDRIEU. Mr. President, if I ask unanimous consent to speak for 5 minutes to introduce a bill, not anything related to the farm bill, is that appropriate?

The PRESIDING OFFICER. Without objection, it is so ordered.
Ms. LANDRIEU. Mr. President, first let me say thank you to the Senator from Michigan and the Senator from Kansas for conducting another very long session today on agriculture. They did an extraordinary job helping us move through this important bill. I thank you, Mr. President, and I know we are going to take that up tomorrow.

(Where the remarks of Ms. LANDRIEU pertaining to the introduction of S. 3321 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments, which will not be more than about 10 minutes, Senator Brown of Ohio follow me for 10 minutes.

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

CALL FOR A SPECIAL COUNSEL

Mr. CHAMBLISS. Mr. President, 2 weeks ago I stood in this Chamber and joined with Senator MCCAIN calling for the appointment of a Special Counsel to investigate a series of leaks of classified information that are so damaging to our national security. Despite the bipartisan support for a Special Counsel, the Attorney General chose instead to appoint 2 United States Attorneys who will act under his supervision to conduct separate investigations of just two of these leaks.

I believe the American people, our Intelligence Community, and our allies deserve a full investigation from the Attorney General and from this Administration. These leaks have violated the public trust and potentially damaged vital liaison relationships we can ill afford to lose in our fight against ongoing threats from terrorism and hostile national security actors.

As I understand it, one prosecutor will investigate the leak on the AQAP bomb plot; the other, the leak on STUXNET. That's a real problem. This means other leaks, including the “kill list” story, will not be investigated. Yesterday, the Washington Post published a story that attributed information about apparent joint U.S.-Israeli cyber efforts to a former high-ranking U.S. Intelligence official. It would sure be helpful if a Special Counsel had jurisdiction to look at all of these cases.

The timing, substance, and sourcing of these stories have also raised questions about whether they came from the White House and whether there is a pattern of leaky. It's hard to imagine how two U.S. Attorneys who work for this administration will be able to investigate this aspect of the case without being perceived as biased by those who are unhappy with what they ultimately find. We need a Special Counsel who will be trusted, no matter what he finds.

I am not questioning in any way the qualifications of these U.S. Attorneys to do the jobs for which they were confirmed by this Senate. I know questions have been raised about the prior political activities of the U.S. Attorney for the District of Columbia and whether he might be too deferential to the White House. I have no specific reason to question the integrity of either of these men. But the very serious nature of these leaks demands an investigation that is conducted in a manner totally above reproach and without any possible inference of political influence.

Unfortunately, because these U.S. Attorneys must answer to the Attorney General, they cannot conduct independent investigations. With each key decision they make—whether to subpoena a journalist, what investigative techniques should be used, what charges can be brought—they will be subject to the Attorney General and his direction. That is hardly independent.

Last week, the Attorney General testified before the Senate Judiciary Committee that appointing a U.S. Attorney was the same thing that was done in the Valerie Plame case. I submit that was an entirely different scenario because the U.S. Attorney, who was a special counsel appointed, insisted on getting written confirmation that he would be truly independent from the then-acting Attorney General. He got that confirmation in writing from then-Acting Attorney General Comey.

Significantly, the Plame case involved a single leak of classified information, and was deemed serious enough to warrant an independent investigation. The former President also ordered his staff to come forward with any information they had about the source of the leak.

In this case, there have been a series of incredibly damaging leaks in articulate ‘intelligence officials’ and White House ‘aides.’ We have seen no clear instructions from this Administration for officials to come forward. This situation seems to create a greater appearance of a conflict of interest for the Attorney General than was presented in the Plame investigation and calls out for the appointment of a Special Counsel.

The Attorney General also testified that he could always appoint these U.S. Attorneys as Special Counsel if they needed to investigate acts outside their jurisdictions. Others have made the argument that we have to wait to see if these U.S. Attorneys do their jobs well before appointing a Special Counsel. Neither argument makes sense to me. Why on earth would we wait?

All of these leaks should be investigated together—not separately—and they must be investigated now. The leaks are relatively recent and the trail is still somewhat fresh. But if we have to wait to see how these men measure up, or if the trial takes us to a district outside their specific jurisdiction, we run the risk of losing evidence or memories fading. Those aren't risks anyone should be willing to take.

This is not, and must not become, political. It's about finding these criminals who have jeopardized our national security and ensuring that they are investigated by an independent, objective, apolitical investigation.

Again, I call on the Attorney General to do now what should have been done 2 weeks ago. This series of leaks should be treated as high as any. As Congress considers legislative solutions to put a stop to these leaks, the administration needs to step up its response. Appointing a special counsel who can independently and comprehensively investigate all of these leaks and find who is responsible for any and all of them is the best way to restore the public trust in our government and our government officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

CHILD NUTRITION

Mr. BROWN of Ohio. Mr. President, for many Ohio children, schools have let out for the year, and summer vacation is just beginning. During the school year, in my State—a State of about 11 million people—400,000 Ohio children receive some nutrition assistance through free or reduced-price school lunches or breakfasts during the school year. It is a statistic that tells the story of families struggling to get by. In many of these children's cases their parents have jobs but simply are not making enough money. It is a statistic that tells a story of how children are often helpless victims in a challenging economy. Many of these children come from the 18 percent of Ohio families—about 1 out of 6—who are food insecure. Essentially it means they are unsure where their next meal may actually come from. When the school year comes to a close, many of these children go hungry.

Where can these 400,000 students go? Where do they turn for nutritious meals when their school cafeterias are closed for the summer? The answer is the Summer Food Service Program run through the U.S. Department of Education and administered in my State by the Ohio Department of Education.

As school principals and school administrators, the Summer Food Service Program is available for them to find healthy meals for children during the summer. But too many Ohio families don't know about this critical program, and that is why it is so important to raise awareness and increase access to the program for all Ohio children regardless of where they live. Summer break shouldn't mean a break from good nutrition.

At the beginning of this talk, I mentioned that 400,000 Ohio children benefit from free and reduced school breakfast and lunch programs—400,000. But, unfortunately, last year in the
summer only 66,000 Ohio children utilized the Summer Food Service Program. Only 66,000 when there are 800,000 eligible. I believe last year Ohio was slightly above the national average. So in State after State, of those students who are not getting from the free and reduced-price breakfasts and lunches at the school, less than 10 percent of those children benefit in the summer.

In Ohio, only 66,000 children utilize this program. Obviously hundreds of thousands of children not getting nutrition assistance during the school year. Ensuring that our children have access to healthy food during the summer is so important, especially as more families slip into poverty. The Summer Food Program is a vital program that helps stem the crippling cycle of food insecurity by providing school-aged children breakfast, lunch, or a snack during the summer.

In some sites children can receive these meals while participating in educational or organized activities. The Presiding Officer was a superintendent of one of the great school districts in the country. We know particularly how low-income students during summer months slide back in their educational attainment. In the beginning of the school year, the teachers have to sort of reteach what was taught perhaps in April and May. We also know that in families with a little higher income, the children often have access to summer which helps exposure to books, magazines, vacations, and cultural events to help those children continue to advance in the summer.

Many of these students who are not getting proper nutrition in the summer also are not getting the educational challenges they need. That is why at these sites children—while they receive these meals—participate in educational activities or organized games. The Presiding Officer has more sites this year for Ohio families to turn to. There are more than 1,700 sites across 77 counties.

Nonetheless, 11 counties out of the 88 in Ohio still lack feeding sites. It is not too late for program sites to be established. The official deadline was May 31. Interested sponsors and volunteers can still work with the Ohio Department of Education to establish new centers for children to get meals.

Unfortunately, so far here. Somebody needs to step forward, such as a teacher, an administrator, someone in the school district, someone in a church, someone in a recreation center of some type has to step forward every May or June and set up one of these programs and take it down again in August or September. So it is unlike the school district which has this built into its process.

At existing sites, such as schools, summer camps, churches, community centers, and recreation centers, volunteers spend their time ensuring our children have the food they need to succeed.

The Federal Government will reimburse local groups small amounts of money for the breakfast, snack, or lunch for these children, but volunteers need to come forward.

Two years ago I co-hosted a first-of-its-kind event on the Ohio Foodbank in Columbus with leading antihunger advocates across Ohio. This past year the USDA Under Secretary Kevin Concannon came to Ohio to hold the second summit.

We continue to reach out to organizations such as the AmeriCorps and VISTA Summer Association Partnership that can help with volunteers through AmeriCorps and can set up the programs and provide meals to the children in need.

This summer will be an important few months to learn how far we have come and how far we have to go in serving our State’s children. Outreach and public awareness are critical components to ensure that the end of the school year doesn’t mean the end of children getting the nutrition they need for the summer.

I yield the floor, and suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

Ms. STABENOW. Mr. President, before going into wrap-up and the unanimous consent requests this evening, I wish to say one more time how appreciative I am of everybody’s hard work and patience with us. We made tremendous progress on a very important bill that helps 16 million people in this country have a job and keeps the safest, most affordable food system in the world going. So thanks to everyone. Thanks to my ranking member who has been a terrific partner with me.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

CONGRATULATING KENTUCKY’S NATIONAL HISTORY DAY WINNERS

Mr. McCONNELL. Mr. President, I rise to pay tribute to a group of Kentucky’s brightest students who, by winning a number of prestigious awards for studying history, have proven themselves to be the leaders of the future. I am referring to the Kentucky winners of the National History Day 2012 contest, which was recently held at nearby College Park, MD, June 10 to 14.

The contingent of students from Kentucky that made the trip was selected by the Kentucky Junior Historical Society, which held a statewide history contest in Frankfort, the State capital, last April. At that event, 68 Kentucky students qualified for the national finals.

In all, 62 Kentucky students from the 6th through 12th grades made the trip to our Nation’s capital region, accompanied by about 40 family members and teachers. I was very pleased to have a chance to visit with them during their trip.

The group faced stiff competition. At National History Day 2012, there were 2,800 students competing, representing all 50 States and four international schools. Six Kentucky students stood out from their peers and garnered national recognition for their history projects. Those students are:

Joanna Sliusarewicz, of Winburn Middle School and Fayette County, winner of the Salute to Freedom Award and third place, individual documentary, junior division. Her entry was titled “Respectfully Submitted, Dorothea Dix.”

Neha Kadambi and Jamie Smith, of Winburn Middle School and Fayette County, winners of the Leadership in History Award for group exhibit, junior division. Their entry was titled “The Fight Without a War: India’s Revolutionary Road to Independence.”

Meenakshi Singhal and Daryn Smith, of Winburn Middle School and Fayette County, winners of Best of State: Junior Division. Their entry was titled “Charles Darwin: What Do You Mean ‘Survival of the Fittest’?”

Emma Roach-Barrette, of Menifee County High School and Menifee County, winner of Best of State: Senior Division and individual documentary, senior division finalist. Her entry was titled “Dead Men Do Their Tales.”

Every student from Kentucky who made this trip can be immensely proud of his or her accomplishments, and I hope they will continue to engage in the study of history for the remainder of their time in school and beyond. History plays such a large role in the events of today. We continue to be influenced by historic decisions made in this very Chamber.

I also appreciate these students’ teachers for helping to foster their love of history, specifically, Theresa Buczak and Michelle Cason of Winburn Middle School and Debra Craver of Menifee County High School. And I want to thank the Kentucky Junior Historical Society and its parent body, the Kentucky Historical Society, for sponsoring this competition and making the trip possible for these students. Established in 1836, the Kentucky Historical Society is committed to helping Kentuckians understand, cherish, and share history.

I know my U.S. Senate colleagues join me in recognizing the accomplishments of Kentucky’s winners of the National History Day 2012 contest and of every Kentucky student who competed.
We wish them well in their future studies and are proud they represent the Bluegrass State.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to the minority leader dated May 29, 2012, be printed in the RECORD.

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

U.S. Senate,

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL, I am requesting that I be consulted before the Senate enters into any unanimous consent agreements regarding calendar #714, the nomination of Heidi Shyu to be an Assistant Secretary of the Army for Acquisitions, Logistics, and Technology.

Ms. Heidi Shyu has been the Acting Assistant Secretary for the position to which she has been nominated for nearly one year. Her office directly oversees the Program Executive Office for soldier weapons. I remain concerned with the Army’s plans for the improvement of its small arms weapons while our soldiers are at war. For example, I have not seen the Army make sufficient progress on the directive of the then-Secretary of the Army Pete Geren to conduct a competition to replace its individual carbine rifle no later than the end of FY2009.

Thank you for protecting my rights on this nomination. I will keep you informed of my continued efforts to work with the Army on the nomination of Ms. Shyu as we ensure that our soldiers have the very best modern small arms that American manufacturers can provide.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO FRANCES WILLIAMS PRESTON

Mr. LEAHY. Mr. President, I would like to pay tribute to Frances Williams Preston, a trailblazing businesswoman, a dedicated humanitarian, a mother, a grandmother, a great-grandmother, and a friend. I was saddened when she passed away on June 13.

Frances began her career as a receptionist at a radio station in Nashville, TN. She quickly moved up within the music community, and in 1958 she was hired to open a regional office for Broadcast Music Inc., BMI, in Nashville, representing songwriters and composers. Glass ceilings had no chance at constraining Frances. In 1964, she became Vice President of BMI, reportedly making her the first woman corporate executive in Tennessee. In 1986, she became CEO and remained CEO of BMI until 2004.

Her work at BMI transformed not only the company, but also the hundreds of thousands of songwriters and composers BMI represents. She tripled the revenues at BMI and advocated for strong copyright protections to benefit artists and composers. Her tenure also helped the city of Nashville to blossom into the leading center for songwriters and the arts that it is today.

Frances’s dedication to the songwriters and her industry, and her passion for ensuring they could make a living in their chosen profession, was unrivaled. Kris Kristofferson famously dubbed her the “songwriter’s guardian angel.”

I worked closely with Frances and the songwriting community to ensure that the rights of composers are protected, but I will remember her most for her humanitarian efforts. She was president of the T.J. Martell Foundation for Leukemia and AIDS research, and her name precedes the research laboratories at the Vanderbilt-Ingram Cancer Center.

I could go on at length about the various music and humanitarian awards and honors Frances has received, from being inducted into the Country Music Hall of Fame in 1992 to twice receiving the Humaneitarian Award from the International Achievement in Arts.

The current president of BMI probably best captures Frances by simply describing Frances as “a force of nature.” She will be missed by those who knew her, and remembered always by those whom she nurtured as songwriters and composers.

The music industry has lost a legend and I ask unanimous consent that the Wall Street Journal article “From Receptionist to Music-Royalty Guardian” by Stephen Miller be entered into the RECORD.

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

[From the Wall Street Journal, June 14, 2012]

FROM RECEPTIONIST TO MUSIC-ROYALTY GUARDIAN

(By Stephen Miller)

Frances Preston rose from radio-station receptionist to chief executive of Broadcast Music Inc., a performing-rights group that helps guarantee that songwriters and music publishers can get paid when their compositions are played on the radio or in places like restaurants.

Ms. Preston, who died Wednesday at the age of 83, owned the Tennessee office and signed up thousands of artists, many of whose careers she shepherded personally.

The deals she struck helped nurture country, rock ‘n’ roll and jazz, emerging genres that the American Society of Composers, Authors and Publishers, BMI’s older rival, had neglected in favor of traditional pop music.

By the time Ms. Preston retired in 2004, BMI represented 300,000 music composers and copyright owners and disbursed more than a half-billion dollars annually.

“They never paid royalties to the songwriters for performances until Frances Preston came along,” country music singer Eddy Arnold told The Wall Street Journal in 2004. “She put the hammer on!”

“A lot of them didn’t realize that they could get paid for having their music played,” Ms. Preston told Amusement Business magazine in 1991. She built a fanatical following among Nashville’s performing elite.

Singer-songwriter Kris Kristofferson, whom Ms. Preston signed to a $1 million songwriting deal in the 1970s, once called her “our guardian angel.”

Raised in Nashville, Ms. Preston studied at George Peabody College for Teachers. But shortly before taking a classroom job, she went to work at WSM, the radio home of the Grand Ole Opry, where her duties included answering Hank Williams’s mail. She moved on to running the station’s promotions department and got to know the country stars of the era.

In 1958, she founded BMI’s Nashville office—first in her grandmother’s basement. A few years later she opened a new office on fledgling Music Row. Thanks in part to BMI’s presence, it soon became the home to recording studios and music publishers and the hub of the Nashville country scene.

Ms. Preston moved to BMI’s home office in New York City, where she became chief executive in 1986. She oversaw the company’s transition to the digital age as complex new media like the Internet and ringtones joined radio and television as major sources of revenue. She also lobbied Congress as copyright laws were changed.

“It’s a constant fight to educate those people [that] music is not just out there in the air for you to pick out for free, because if the creator isn’t compensated, there’s not going to be that music,” she told Billboard in 2004.

Ms. Preston was lionized in Nashville, where she was a giant among the business side of the music industry. When she was inducted into the Country Music Hall of Fame in 1992, it dubbed her the “most influential country-music executive of her generation.”

Always one to keep things in sensible perspective, Ms. Preston was proud to be remembered as the granddaughter of a Nashville motto: “It all begins with a song.”

RECOGNIZING HOUSE OF HEROES

Mr. BLUMENTHAL. Mr. President, today, I wish to recognize the important work of House of Heroes—a growing organization that honors veterans with dignity, gratitude, and an improved quality of life.

Over Memorial Day weekend, I had the great opportunity to witness the Connecticut chapter of House of Heroes’ first projects as it fixed, renovated, and remodeled the homes of our country’s heroes, helping our courageous veterans to maintain their homes due to physical injuries sustained, and their families—heroes who may not always receive the recognition they deserve. Frequently, our courageous veterans are unable to maintain their homes due to physical disability or financial limitations.

During their inaugural build, the founders and volunteers of Connecticut’s House of Heroes chose to honor three Americans, who have continued to dedicate their lives to serving our country and preparing for our future even after their war service. Frederick Miller, for whom the organization was named, was a Sergeant in the U.S. Army Air Corps during World War II—and in 1945, searched the legendary crash of Flight 19 in the Everglades. Upon leaving the service, he dedicated his talent and skills to Pratt & Whitney as an equipment and facilities manager. On November 23, 1991, Miller’s wife passed away from cancer, and maintaining his Hamden house has been a challenge.

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RECOGNIZING THE HARTFORD FOUNDATION FOR PUBLIC GIVING

Mr. BLUMENTHAL. Mr. President, today, I wish to congratulate the Hartford Foundation for Public Giving, which was awarded the 2012 Bronze Award by the Council on Foundations this past Spring as part of their Wilmer Shields Rich Awards Program. Every year, the Council on Foundations recognizes foundations around the country that have engaged in strategic communications strategies and innovative projects that inspire and inform other grantmakers. Foundations recognized the Hartford Foundation for Public Giving specifically for its 2010 Annual Report, Creating Brighter Futures, which focused on the Foundation’s financial support of early childhood development and education through its Brighter Futures Initiative. The great success of the Brighter Future Initiative has strengthened existing early education programs as well as inspired the development of innovative strategies around the country. In the report’s introductory letter, President and Chief Executive Officer Lindy Kelly eloquently shares the groundbreaking changes she has witnessed in her 30 years of service with the Tennessee Board of Regents. As President of TTU, he oversaw 12 straight years of enrollment growth, with TTU’s enrollment approaching 12,000. Whereas, as President of TTU, he oversaw 12 straight years of enrollment growth, with TTU’s enrollment approaching 12,000.

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DR. ROBERT R. BELL TO THE TENNESSEE BOARD OF REGENTS

Whereas, Dr. Robert R. Bell has thirty-six years of service with the Tennessee Board of Regents system and Tennessee Tech University, serving as a professor and dean of the College of Business; whereas, as President of TTU, he oversaw 12 straight years of enrollment growth, with TTU’s enrollment approaching 12,000. Whereas, as President of TTU, he oversaw 12 straight years of enrollment growth, with TTU’s enrollment approaching 12,000.

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WHEREAS, President Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Robert Bell on his outstanding record of service to Tennessee. Dr. Bell will be retiring as president of Tennessee Technological University at the end of this month and has served the university for 36 years. He has served as president of Tennessee Tech since 2000, and before becoming the university’s president, he served as a professor and dean of the College of Business. During his time at Tennessee Tech, Dr. Bell has fostered both an increase in student enrollment and university recognition, while ensuring that student education remained affordable. His contributions to Tennessee Tech and wish him well in his retirement. I ask to have the following resolution printed in the RECORD.

The resolution follows.
Whereas, as President he set his sights on a program to prepare the state’s teachers, from Pre-K to college levels, to teach science, technology, engineering and mathematics by establishing The Millard Oakley STEM Center and providing it a state-of-the-art home in the new 26,000-square-foot Ray Morris Hall in 2010.

Whereas, he recognized the need for a nursing school in rural Tennessee and garnered support from the state legislature, U.S. Congress and private and corporate donors to fund the construction of a multi-million dollar Nursing and Health Services Building.

Whereas, he kept his promise as President to upgrade facilities to increase recruitment and renewal of the construction and completion of two residence halls—New Hall South and New Hall North.

Whereas, the Guidance TTU established Learning Villages, which aim to bring students and faculty together around a common interest and bridge the gap between the living and learning segments of campus and to encourage college completion.

Whereas, the University’s endowment has doubled during Bell’s presidency to nearly $69 million.

Whereas, under his leadership in a difficult economic environment, TTU has remained affordable. Students graduate with the lowest debt in the region, according to U.S. News & World Report, and sixty percent of 2010 TTU graduates left school debt free.

Whereas, the Tennessee Board of Regents granted3 President Emeritus status to Dr. Robert R. Bell for his continued support of the system, now, therefore, be it

Resolved That the Tennessee Board of Regents expresses its sincere appreciation to Dr. Robert R. Bell for his outstanding contributions and leadership to the system and wishes him the very best in his retirement.

REMEMBERING GOVERNOR NORBERT TIEMANN

• Mr. JOHANNS. Mr. President, today I wish to pay tribute to a dedicated public servant and true leader in Nebraska politics. Gov. Norbert Tiemann, whose recent death saddened all who knew him. Gov. Norbert Tiemann, or “Nobby,” as he was affectionately known while he served as Governor of Nebraska from 1967 to 1971. It is a privilege to take this opportunity to remember the life of Governor Tiemann and his many contributions to our State and Nation.

Prior to being elected Governor, Tiemann served three terms as mayor of Wausa in northeast Nebraska. He would later serve as Federal Highway Administrator for the U.S. Department of Transportation under the Nixon and Ford administrations. Ever service-oriented, Governor Tiemann’s public service extended well beyond elected office. He bravely fought in World War II and was later stationed in Korea.

Tiemann had an incredible passion for governing and played an active role in the lawmaking process. His leadership as Governor left a lasting impact on our great State. Scholars consider him to be among the most influential Nebraska Governors for transforming the governorship in our State from its traditional caretaker role to one that led public policy discussions.

As we look back on Tiemann’s legacy, we will remember a dedicated public servant who cared deeply about Nebraska. I could not be more grateful for his lifetime of service and, on behalf of all Nebraskans, offer my sincerest condolences to his family.

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 and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 2:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes.

H.R. 2589. An act to prohibit certain gaming activities on certain Indian lands in Arizona.

At 4:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2589. An act to prohibit certain gaming activities on certain Indian lands in Arizona; to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2012, she had presented to the President of the United States the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

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–6565. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Office of the Assistant Secretary of the Army for Financial Management and Comptroller, account 2182010, during fiscal year 2008 and was assigned Army case number 1–02; to the Committee on Appropriations.

EC–6566. A communication from the Secretary of the Commissioner of the Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps” (RIN3038–AD48) received during adjournment of the Senate in the Office of the President of the Senate on June 15, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6567. A communication from the Secretary of the Commissioner of the Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “Core Principles and Other Requirements for Covered Swap Contracts” (RIN3038–AD09) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6568. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement; Acquisition of Tents and Other Temporary Structures” (RIN0750–A373) (DFARS Case 2012–D015) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Armed Services.

EC–6569. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6570. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled...
EC–6579. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, a report of a rule entitled “Testing and Labeling Pertaining to Product Certification” (16 CFR Part 1107) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6590. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Department of State, transmitting, pursuant to law, the report of a rule entitled “Requirements for Consumer Registration of Durable Infant or Toddler Products” (16 CFR Part 1138) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6591. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Saibling Individual Fishing Quota Program” (RIN0648-A9X1) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6592. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone of New Jersey-Long Island Nonattainment Area in Connecticut, New Jersey and New York (FGL No. 96-543) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC–6574. A communication from the Commissioner of the Medicaid and CHIP Payment Access Commission, transmitting, pursuant to law, the report of a rule entitled “Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012” (RIN0150–A9F4) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Environment and Public Works.

EC–6575. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, a rule entitled “Safety Standards for Portable Bed Rails; Final Rule” (16 CFR Part 1224) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6593. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (12); Amdt. No. 9861” (RIN22120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6594. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (11); Amdt. No. 3480” (RIN22120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6595. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (60); Amdt. No. 3478” (RIN22120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6596. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (45); Amdt. No. 3477” (RIN22120–AA65) received in the Office of the President of the
on June 7, 2012, to the Committee on Commerce, Science, and Transportation.

EC-6624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0534)) received in the Office of the President of the Senate on June 7, 2012, to the Committee on Commerce, Science, and Transportation.

EC-6625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Cesena Aircraft Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0534)) received in the Office of the President of the Senate on June 7, 2012, to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:


By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 492. A resolution condemning Joseph Kony and the Lord’s Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts of the United States Government and governments in central Africa to remove Joseph Kony and Lord’s Resistance Army commanders from the battlefield.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 429. A resolution supporting the global ideals of World Malaria Day.

S. Res. 473. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services:

Army nomination of Brigadier General Edward M. Reeder, Jr., to be Major General.

Army nomination of Lt. Gen. John F. Mulholland, Jr., to be Lieutenant General.

William B. Pollard, III, of New York, to be a Judge of the United States Court of Military Commission Review.

Scott L. Silliman, of North Carolina, to be a Judge of the United States Court of Military Commission Review.

Marine Corps nominations beginning with a list printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary’s desk for the information of Senators.

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

Air Force nominations beginning with Capt. C. Hendershot and ending with Jeffrey P. Tan, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jessica L. Weaver and ending with Jonelle J. Knapp, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nomination of Joseph F. Jarrard, to be Colonel.

Army nomination of Kevin J. Park, to be Major.

Army nomination of Charles R. Perry, to be Major.

Army nominations beginning with Anthony P. Digiacomo II and ending with Richard D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2012.

Army nominations beginning with Yeongmi Cho, to be Lieutenant Colonel.

Army nomination of Richard M. Zyagdlo, to be Lieutenant Colonel.

Army nomination of David H. Rittgers, to be Major.

Army nominations beginning with Eric S. Strother and ending with Duong K. Wong, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Gaston P. Bathalon and ending with Kevin C. Reilly, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jerry L. Bratu, Jr. and ending with Amos P. Parker, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brett W. Andersen and ending with Michael D. White, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Casey Rodgers and ending with A. Michael A. Richelle, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Dwayne C. Bechtol and ending with D005682, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Armando Aguillera, Jr. and ending with Dave S. John, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Renee D. Alford and ending with Pj Zamora, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Bruce J. Bond and ending with D00871, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with D010333, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Armando Aguilera, Jr. and ending with Dave S. John, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.
Marine Corps nominations beginning with Eduardo A. Abisellan and ending with William E. Zamagni, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Oscar A. Adams and ending with Christina P. Zimmers, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nominations beginning with Jennifer D. Goodnight and ending with Donald R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with David A. Adams and ending with John J. Zerr II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael W. Stice, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Donald W. Hopp, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Steven K. Renly, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William E. Zarniski and ending with Jeffrey D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Marc C. Eckardt and ending with Robert W. Witzleb, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael A. Dods, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Trent R. Demoss and ending with Charles K. Nixon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Roger L. Acebo and ending with Jeffrey B. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael W. Abreu and ending with Scott D. Tingle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael W. Bowers and ending with Charles R. Legg, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Trent R. Demoss and ending with Charles K. Nixon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael W. Abreu and ending with Scott D. Tingle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

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Navy nominations beginning with Michael W. Abreu and ending with Scott D. Tingle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.
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. CARPER (for himself, Ms. LANDRIEU and Mr. UDALL): S. 3315. A bill to repeal or modify certain mandates of the Government Accountability Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TOOMEY (for himself and Mr. BURKE): S. 3316. A bill to require the Secretary of Labor to carry out a pilot program on providing veterans with access at One-Stop Centers to Internet websites to facilitate online job searches and other purposes; to the Committee on Veterans’ Affairs.

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUYE, Mr. KERRY, Mrs. SHAHEEN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURbin, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Mr. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Mr. MURKOWSKI, Ms. AYotte, Mrs. McCaskill, and Ms. KLOBUCHAR):

S. 3318. A bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-911 GI Bill to give compensation or other benefits to veterans, endorse veterans’ training programs of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

By Ms. KLOBUCHAR: S. 3319. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3320. A bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State’s Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. KERRY, Mr. LEAHY, Mr. COONS, Mr. BLUMENTHAL, Ms. MIKULSKI, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 3322. A bill to strengthen enforcement and clarify the responsibilities of the Servicemembers Civil Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code, and to reconcile, restore, clarify, and conform similar provisions in other related civil rights statutes, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protection for populaces against mortgage foreclosures, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. BURKE):

S. 3324. A bill to authorize the Secretary of Veterans Affairs to award grants to nonprofit organizations for construction of facilities for temporary lodging in connection with the examination, treatment, or orientation or gender identity.

S. 3325. At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3325, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3331. At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3331, a bill to prohibit employment discrimination based on sexual orientation or gender identity.

S. 3332. At the request of Mr. TESTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3332, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 3333. At the request of Ms. LANDRIEU, the name of the Senator from Montana
At the request of Mr. Moran, the name of the Senator from Tennessee (Mr. Alexander) was added as a co-sponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

At the request of Mr. Hutchison, the Senator from Texas (Mrs. Hutchison), the Senator from Arkansas (Mr. Pryor), the Senator from Nevada (Mr. Inhofe), the Senator from Louisiana (Mr. Vitter), the Senator from Oklahoma (Mr. Lieberman), the Senator from Vermont (Mr. Leahy), the Senator from California (Mr. Boxer), the Senator from Washington (Ms. Cantwell), the Senator from New Mexico (Mr. Udall) was added as a co-sponsor of S. 1591, 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 Mrs. Gillibrand, the names of the Senator from Idaho (Mr. Risch), the Senator from Kansas (Mr. Roberts), the Senator from North Dakota (Mr. Hoeven) and the Senator from Alabama (Mr. Shelby) were added as cosponsors 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 Mr. Barrasso, the name of the Senator from Idaho (Mr. Risch) was added as a co-sponsor of S. 1880, a bill to repeal the health care law’s job-killing health insurance tax.

At the request of Mr. Durbin, the name of the Senator from New Mexico (Mr. Udall) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

At the request of Mrs. Gillibrand, the names of the Senator from Tennessee (Mr. Alexander), the Senator from Florida (Mr. Nelson), the Senator from Connecticut (Mr. Blumenthal), the Senator from Arkansas (Mr. Boozman), the Senator from California (Ms. Boxer), the Senator from Washington (Ms. Cantwell), the Senator from Maryland (Mr. Cardin), the Senator from Pennsylvania (Mr. Casey), the Senator from Mississippi (Mr. Cochran), the Senator from Maine (Ms. Collins), the Senator from Texas (Mr. Cornyn), the Senator from Wyoming (Mr. Enzi), the Senator from South Carolina (Mr. Graham), the Senator from North Carolina (Mrs. Hagan), the Senator from Texas (Ms. Hutchison), the Senator from Oklahoma (Mr. Inhofe), the Senator from Louisiana (Ms. Landrieu), the Senator from New Jersey (Mr. Lautenberg), the Senator from Vermont (Mr. Leahy), the Senator from New Jersey (Mr. Menendez), the Senator from Maryland (Ms. Klobuchar), the Senator from Kansas (Mr. Moran), the Senator from Arkansas (Mr. Reid), the Senator from Kansas (Mr. Roberts), the Senator from Wisconsin (Mr. Johnson), the Senator from New Hampshire (Mrs. Shaheen) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

At the request of Mr. Lee, the name of the Senator from Florida (Mr. Rubio) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to prohibit the taking or procuring of unborn children in the District of Columbia, and for other purposes.

At the request of Mr. Blumenthal, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements related to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

At the request of Mrs. Boxer, the name of the Senator from Rhode Island (Mr. Reed) 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. Harkin, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and anti-retaliation claims, and for other purposes.

At the request of Mr. Nelson of Florida, the names of the Senator from Montana (Mr. Tester) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 2290, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

At the request of Mr. Nelson of Florida, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

At the request of Mr. Johanns, the names of the Senator from Massachusetts (Mr. Brown) and the Senator from Pennsylvania (Mr. Toomey) were added as cosponsors of S. 2304, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

At the request of Mr. Casey, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 2333, a bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

At the request of Mr. Pryor, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 3225, a bill to amend title 38, United States Code, to require, as a condition on the receipt by the State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

At the request of Mr. Pryor, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

At the request of Mr. Udall, the name of the Senator from New Mexico (Mr. Udall) was added as a cosponsor of S. 3291, a bill to amend title 38, United States Code, to prohibit the protection of Washington State employees from discrimination in employment and reemployment services, and for other purposes.

At the request of Mr. Kennedy, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 3292, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

At the request of Mrs. Murray, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

At the request of Mrs. Hutchison, the names of the Senator from New York (Mrs. Gillibrand) and the Senator from New York (Mr. Schumer) were added as cosponsors of S. J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as “Juneteenth Independence Day”.

S. 2103

S. 2134

S. 2165

S. 2189

S. 2290

S. 2325

S. 2304

S. 2333

S. 3225

S. 3236

S. 3291

S. 3292

S. J. Res. 45
At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as co-sponsors of S. Con. Res. 46, a concurrent resolution recognizing 75 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a co-sponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a co-sponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, including 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. RUBIO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a co-sponsor of S. Res. 446, a resolution expressing the sense of the Senate that the United Nations and other intergovernmental organizations should not be allowed to exercise control over the Internet.

At the request of Mr. UDALL, the name of the Senator from Alabama (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 482, a resolution celebrating the 100th anniversary of the United States Chamber of Commerce.

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a co-sponsor of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a co-sponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as “Mitochondrial Disease Awareness Week,” reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial disorders.

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 494, supra.

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 2202 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2295 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 2355 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. PERRY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 2382 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. CORNER, his name was added as a cosponsor of amendment No. 2384 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2385 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. UDALL of New Mexico, the name of the Senator from Iowa (Mr. HARKIN) was added as a co-sponsor of amendment No. 2417 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. ROSENTHAL of Ohio, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2454 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2453 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2457 proposed to S. 3240, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUYE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERR r, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):


Mr. FRANKEN. Mr. President, our daughters' futures will be as bright as our sons’. That is the American promise. It is the American ideal—that one's opportunity to prosper—one's economic security—depends not on one's gender but instead on one's work ethic—one's character—one's God-given talents.

That men and women will be treated equally in America is a promise that was made by Susan B. Anthony, who dedicated her life to the franchise and who famously said, shortly before her passing, that "failure is impossible.” History proved her right: 15
years later, women finally were given access to the ballot. That men and women will be treated equally in America is a promise that was made a generation later, by thousands of women who—under the banner of Rep. Rossie the Riveter—took to factories and carried our national economy through a period of world war. That men and women will be treated equally in America is a promise that was made by Ruth Bader Ginsburg, who, in 1993, was passed over for a Supreme Court clerkship because she was a woman. Undeterred, she went on to start the Women’s Rights Project at the ACLU, a platform from which she argued several landmark cases. In 1993, she was selected to serve as a justice on the very court that, years before, turned her away.

That men and women will be treated equally in America is a promise that is made today—by women like Senator Barbara Mikulski and Senator Patty Murray. Congresswoman Rosa DeLauro—women who have settled not for a mere presence in the halls of Congress but who instead have become among its most influential leaders.

Generations of women have rejected inferior roles of these pioneers, the promise of gender equality in America has become more than just a promise. It has become our law. It is enshrined in the documents by which we are governed.

This week, we celebrate the 40th anniversary of Title 9, a statute that guarantees equal educational opportunities for boys and girls—for men and women. In just a couple of years, we will mark the 50th anniversary of the Civil Rights Act of 1964, a landmark legislative achievement that codified our national commitment to ending discrimination in the workplace.

Yes, so, in America we have made a promise that one’s gender will not be the determinant between having opportunities and being denied opportunities—between getting a job and being denied one—between getting a promotion and being denied one. We have made that promise. And we’ve come a long way toward fulfilling it.

But we are not there yet. Even though women have been working outside the home for generations, they continue to face barriers in the workplace: Even though about half of all workers are women, only 12 Fortune 500 companies have female CEOs. The Equal Employment Opportunity Commission reports that, in 2011, it received nearly 100,000 complaints of discrimination. Statistics show that women still receive unequal pay for equal work.

Although this week marks the 40th anniversary of Title 9, it also marks the one year anniversary of the Supreme Court’s decision in Walmart v. Dukes, a decision that has had an enormous impact on workplace rights across the country. On its face, that case was about civil procedure—it was about litigation rules and legal technicalities. But, in a larger sense, the Dukes case was about the current state of our equal employment laws.

In that case, a group of women tried to band together to enforce their rights to be free from discrimination—rights afforded by the Civil Rights Act. The women alleged that their employer’s policies allowed bias—rather than performance and merit—to determine who would be promoted or given raises.

The evidence in the case indicated that women comprised 70 percent of the employer’s hourly workforce but only 33 percent of its management team. The evidence indicated that women were paid less than men in each of the employer’s 41 regions. It indicated that managers around the country relied on outdated stereotypes when making employment decisions. Both the trial court and the appellate court’s decisions were consistent with precedent. Governing rules said that a group of workers could band together if they filed similar things, that their cases shared a common issue of law or fact. This is known as the “commonality” requirement. The idea here is that if lots of workers raise a common issue, it’s easier for the court to resolve the issue in one case than to resolve it over and over and again in thousands of different cases.

In Dukes, the common, central issue was whether the employer’s policy of giving managers unfettered discretion to make pay and promotion decisions resulted in a disparate impact on women. In other words, all of the workers alleged that the employer’s policy allowed bias to determine conditions of employment. Because the workers had presented that common question, “Is the employer’s policy discriminatory?”, the lower courts concluded that the group could proceed together.

But the Supreme Court concluded otherwise. It was unprecedented. In a 5 to 4 decision, the Court said that, to proceed as a group, the women had to show not only that they were united by a common issue, but also that they ultimately would prevail on that issue at trial. That is, to present their case, the women first had to prove their case. As Justice Ginsburg explained in her dissenting opinion, the Court’s decision “disqualifies the class from the starting gate.”

Since Dukes was decided, dozens of employment discrimination cases effectively have been stopped before they even started. This is a problem. When Congress passed the Civil Rights Act of 1964, it intended the bill to be a way for workers to enforce effectively our Nation’s antidiscrimination laws. Perhaps as importantly, this bill reaffirms the American promise of workplace equality.

The bill creates a new judicial procedure—called a “group action”—which mirrors the class action procedures that were available to workers before Dukes was decided. Instead of disqualifying workers’ cases at the starting gate, this bill says that workers can proceed together if they create a reasonable inference that they were subjected to a discriminatory employment policy or practice. It will be—as it always has been—left to a trial to determine the merits of the workers’ allegations and the viability of the employers’ defenses.

I am proud to introduce this bill with Congresswoman DeLauro and with my Senate colleagues, including Senators Leahy, Mikulski, Murray, and Harkin. I am grateful to the many wonderful organizations in Minnesota and Washington that have worked with me on this bill. They include the National Parent Campaign on Women and Families, the ACLU, the Leadership Conference on Civil and Human Rights, the National Women’s Law Center, the American Association of University Women, and the Lawyers’ Committee for Civil Rights Under Law.

Our daughters’ futures will be as bright as our sons’. For more than a century, we have followed a path toward gender equality. The trail has been blazed by generations of women—women whose names are found in the history books, yes, but also by those whose names are not—the working mother who rises before dawn and punches a clock every day so she can
support her family—the young woman, fresh out of college, who defies stereotypes and pursues an engineering career—the small business-owner who hires dozens of people in her community.

We should continue along the path toward equality in the workplace. We should not stop now. We should not turn back now. The bill that we introduce today says that we won't.

Mr. LEAHY. Today, I am pleased to join Senator FRANKEN to introduce the Equal Employment Opportunity Restoration Act of 2012. This important legislation will respond to the Supreme Court’s decision in Wal-Mart v. Dukes, and restore women's ability to challenge discrimination in the workplace.

Today marks the 1 year anniversary of that case—where just five Justices disqualified the claims of 1.5 million women who had spent nearly a decade seeking justice for sex discrimination by the giant corporation, Wal-Mart. By a 5-4 decision, the Supreme Court ruled that the women did not share enough in common to support bringing a class action. Perhaps more troubling, just five Justices said that Wal-Mart could not have had a discriminatory policy against all of the stores because it left pay, promotion, and other decisions to individual branches of its stores. In reaching this conclusion, the Supreme Court provided a clear path for corporations to avoid company-wide sex discrimination suits, and made it harder to hold corporations accountable under our historic civil rights laws.

Betty Dukes has worked for Wal-Mart, where she started as a part-time cashier in Pittsburg, California, for almost 20 years. Throughout her years at Wal-Mart, Betty expressed an interest in advancement and in the management track. Unfortunately, she was continually overlooked for promotions, receiving only one in her lengthy career. Betty Dukes then learned of the pay disparities between the male and female employees at a Pittsburg Wal-Mart store. She decided to take a stand, and filed a class action lawsuit against Wal-Mart in 2001. Betty Dukes and the other women were appalled to learn that the pay disparities did not stop at the Pittsburg store. In fact, there was widespread gender discrimination occurring at Wal-Mart stores across the country.

Last year, I chaired a hearing on how Supreme Court rulings affect Americans' access to their courts. Betty Dukes came and shared her story at that hearing. She made it clear that she did not plan on giving up. In these tough economic times, American canans to band together to hold corporations accountable, especially when it comes to workplace discrimination.

Unfortunately, these protections are being eroded by what appears to be the most business-friendly Supreme Court in the last 75 years.

The Supreme Court’s recent decisions make some wonder whether it has now decided that some corporations are too big to be held accountable. Whether it is Lilly Ledbetter suing her employer for gender discrimination, or a group of consumers suing their phone company for deceptive practices, an activist majority of the Court is making it more and more difficult for Americans to have their day in court.

We cannot ignore the fact that gender discrimination in the workplace persists. Earlier this month, I urged the House to pass the Paycheck Fairness Act, a bill that would have set a clear path to address the systemic problems that result from pay disparities. Unfortunately, the Senate could not overcome a partisan filibuster, and was not able to even debate the measure.

I believe that the ability of Americans to band together to hold corporations accountable, especially when it comes to workplace discrimination, has been seriously undermined by the Supreme Court. All people should be evaluated on the basis of their contribution to the workplace, not irrelevant factors like sex, gender, race, ethnicity, or disability. These decisions have been a severe blow to Wall Street, but will no doubt hurt hardworking Americans on Main Street.

I thank Senator FRANKEN for introducing this important bill, and urge all Senators to come together and support this effort to restore hardworking Americans access to their courts.

By Ms. LANDRIEU (for herself and Mr. INHOFE):
S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State’s Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I bring to the attention of the body a bill called the Protecting Adoption and Promoting Responsible Fatherhood Act of 2012. I introduced this bill on behalf of myself and Senator INHOFE, with whom I have worked with so closely on many issues involving adoption and the protection of children who are outside of family care, both here in the United States and abroad. I thank Senator INHOFE, the senior Senator from Oklahoma, for being an original cosponsor of this legislation. I also thank Congresswoman LAURA RICHARDSON for introducing a similar bill in the House today.

We just celebrated Father’s Day this past weekend. I know my father and my husband and men all over the country celebrated with their children and their grandchildren, the extraordinary fathers in the world.

Parenthood is the ultimate gift. It is also an incredible responsibility. Many of us have benefited from really wonderful fathers who care for and support families and support children through their young years, their adult years, and even into their older years. When fathers are absent, when they abandon their responsibilities, they can make the mothers of their children and their children more vulnerable. Sometimes women will make a decision to place a child for adoption if they are unmarried, unwilling, unable, or unprepared to have in their life and not able to raise a child. Adoption can be a very positive option. There are some Members of our Congress who have adopted children and have adopted grandchildren, so we know this can work.

This bill will help to facilitate and clear up some legal quagmires that occur until many States clear the way for women of any age to make a decision for adoption. There are many of us on both party lines, who have supported more domestic infant adoption, more domestic adoptions for children of all ages, and particularly adoption of special-needs children.

This bill really affects infant adoption. It sets up a voluntary registry that tracks what 38 States have already done. Any person, any male who has the intention of adopting and raising a child can register on this registry, and their will and wishes will be taken into consideration. But in the situation that often happens where this man is not interested in being the kind of responsible father he should be, then this registry helps to expedite, without a loss if legal quagmire but with protection to both the father and the mother, to expedite adoption.

It has gone through a vetting process with any number of outside organizations. I thank the American Bar Association, which I want to thank the Association of Adoption Attorneys, which helped todraft this important piece of legislation.

I wanted to come to the floor to introduce it. We will, of course, bring it up when the leadership allows us that opportunity. It may have to go through a committee process. We may be able to clear it with the support of both Republicans and Democrats, as is shown by the support of Senator INHOFE and myself. Hopefully we can get it done in a short period of time and provide a clear path to promote adoption in the United States.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):
S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for service-members against mortgage foreclosures, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce the Military Family Home Protection Act, a bill to strengthen the legal protections our military personnel are guaranteed under the Servicemembers Civil Relief Act, SCRA.
Entering military service can sometimes make it difficult or impossible for our Soldiers, Sailors, Airmen, and Marines to meet their civilian legal and financial obligations. In laws dating back to the Civil War, Congress has given military personnel special protections against legal actions that might be taken against them while they are away from home because of military service. The purpose of these laws, according to a 1943 Supreme Court decision, is "to protect those who have been obliged to drop their own affairs to take up the burden of the nation." Congress re-wrote the World War II-era "Soldiers and Sailors Relief Act" in 2003, as full-time military, Reservists, and National Guard personnel were deploying in large numbers to Iraq and Afghanistan. This comprehensively updated statute was re-named the "Servicemembers Civil Relief Act" since the September 11 attacks, we have asked our military personnel—both our active-duty and reserve components—for unprecedented service and sacrifice. We also asked them to deploy multiple times to Iraq and Afghanistan, and we have asked their families to live without their loved ones for long periods of time. We have asked our National Guard and Reserve personnel to do their duty, and by prohibiting banks from foreclosing on their homes without first getting court approval.

Unfortunately, as I learned during a joint hearing on the Senate Commerce Committee hearing room in July 2011, not all banks have been following the law. In May 2011, for example, the Department of Justice settled lawsuits with the former Countrywide Home Loans, now a subsidiary of Bank of America, and Saxon Mortgage, a subsidiary of Morgan Stanley, for $22 million. In these lawsuits, DOJ alleged that the companies violated the SCRA by foreclosing on more than 170 single-family homes without court orders. At the House-Senate forum, I led this bipartisan effort and Senator Cardin was introduced in the House of Representatives as H.R. 5747 on May 15, 2012, by Ranking Member Cummings, along with the Ranking Member of the House Armed Services Committee, Representative Adam Smith, and the Ranking Member of the House Veterans’ Affairs Committee, Representative Jon Filiner. I am introducing, in the Senate, the Military Family Home Protection Act of 2012, which was adopted as an amendment to the National Defense Authorization Act by an overwhelming vote of 394–27.

Now that the House has expressed its bipartisan support for this legislation, I am introducing it in the Senate for consideration. The recent House vote shows that this is an issue that should rise above partisan politics. I hope that the House’s recent action will give the Senate new momentum to look at what we can do to strengthen the SCRA and protect our military personnel and their families. A short summary of the bill is provided below.

The Military Family Home Protection Act expands the class of covered individuals under the SCRA’s mortgage provisions to include: All servicemembers serving on the battlefront, regardless of when they bought their home. Servicemembers retiring 100 percent disabled due to service-connected injuries and surviving spouses of servicemembers who died in military service.

The act stays mortgage foreclosure proceedings against SCRA-covered persons for 1 year following their service; it also eliminates a current sunset provision that will reduce this protection to 90 days beginning January 1, 2013.

The Act doubles the civil penalty for SCRA mortgage violations to $1,000,000 for the first offense and $220,000 for subsequent violations.

The act protects servicemembers and their families against discrimination by banks and lenders on account of servicemembers’ eligibility for SCRA protections. It also requires banks and lenders to take further steps to ensure SCRA compliance. These steps include: Designating an SCRA compliance officer. Requiring SCRA compliance officers to distribute notices to servicemembers about their SCRA protections, and providing a toll-free telephone number and website to help servicemembers better understand their SCRA protections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 500—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL WOMEN AND GIRLS

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as “title IX”) (20 U.S.C. 1681 et seq.) was signed into law by the President of the United States; Whereas Representative Pat T. Mink and Edith Green led the successful fight in Congress to pass this legislation; Whereas, on October 29, 2002, title IX was named the “Patsy Takemoto Mink Equal Opportunity in Education Act” in recognition of Representative Mink’s heroic, visionary, and tireless leadership in developing and passing title IX; Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including, but not limited to, sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person’s access to a particular educational field; Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX; Whereas title IX has increased educational opportunities for women and girls, including those aims to promote entrepreneurship, and non-traditional fields of study, and has improved their employment opportunities;
Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork, leadership, sportsmanship, and perseverance; and

Whereas, while title IX has been instrumental in increasing the significant achievement in athletics and research, men continue to live an average of more than 5 years less than women and girls.

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the total athletic scholarship funds; and

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children; and

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy; and

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination; and

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields; and

Whereas in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master’s or doctorate degrees in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law’s full promise of equal educational opportunities for all women and girls has not yet been fulfilled; Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the significant achievements in athletics and research, men continue to live an average of more than 5 years less than women and girls in those fields; and

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

SENATE RESOLUTION 501—SUPPORTING NATIONAL MEN’S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. Res. 501

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy; and

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women; and

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart disease at 1½ times the rate of women; and

Whereas men die of heart disease at 1½ times the rate of women; and

Whereas men die of cancer at almost 1½ times the rate of women; and

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate; and

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease; and

Whereas the likelihood that a man will develop prostate cancer is 1 in 6; and

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease; and

Whereas African-American men in the United States have the highest incidence of prostate cancer; and

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and HIV and related infections, continue to be less aware among men of those problems was more pervasive; and

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1; and

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases; and

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screening, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent; and

Whereas women are 2 times more likely than men to receive annual examinations and preventive services; and

Whereas men are less likely than women to visit their health centers or physicians for regular screenings and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness; and

Whereas the 50 States issue proclamations annually declaring Men’s Health Week in their respective States; and

Whereas, since 1994, National Men’s Health Week has been observed each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family; and

Whereas the National Men’s Health Week Internet project has been established at www.menshealthweek.org and features Governors’ proclamations and National Men’s Health Week events; and

Whereas men are educated about the value that preventive health care can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in screenings; and

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 11 through 17, 2012, is National Men’s Health Week; and

Whereas the purpose of National Men’s Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys; therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men’s Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men’s Health Week with appropriate ceremonies and activities.
United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States award more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as “STEM”) annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than $37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institution is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival at the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an en-rolled copy of this resolution for appropriate display.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator Tom Coburn, intend to object to proceeding to the nomination of Heidi Shyum, of California, to be an Assistant Secretary of the Army, dated June 20, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 10 a.m., in room SD–115 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the United States Patent and Trademark Office: Implementing the Leahy-Smith American Invents Act and International Harmonization Efforts.”

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

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 2:30 p.m., in room SD–115 of the Dirksen Senate Office Building, to conduct a hearing entitled “Holocaust-Era Claims in the 21st Century.”

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

COMMITTEE ON SECURITY, INSURANCE, AND INVESTMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on June 20, 2012, at 9:30 a.m., to conduct a hearing entitled “Examining the IPO Process: Is It Working for Ordinary Investors?”

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 20, 2012, at 10 a.m., in room 223 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Risks, Opportunities, and Oversight of Commercial Space.”

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

RESOLUTIONS SUBMITTED TODAY

Ms. STABENOW. I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 500, S. Res. 501, and S. Res. 502.

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

Ms. STABENOW. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the Record.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:
Whereas, while title IX has resulted in significant gains for women and girls in education, history, and the promise of equal educational opportunities for all women and girls has not yet been fulfilled; Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports; and
(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and
(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

S. Res. 501

Supporting National Men's Health Week

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women; and
(1) African-American men have the lowest life expectancy;
Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;
Whereas, between ages 45 and 54, men are more than ¼ times more likely than women to die of heart attacks;
Whereas men die of heart disease at 1¼ times the rate of women;
Whereas men die of cancer at almost 1½ times the rate of women;
Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;
Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;
Whereas the likelihood that a man will develop prostate cancer is 1 in 6; and
Whereas the number of men who develop prostate cancer is expected to reach more than 241,760, and an estimated 28,170 of those men will die from the disease;
Whereas African-American men in the United States have the highest incidence of prostate cancer;
Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;
Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;
Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;
Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those diseases in their early stages and increase the survival rates to nearly 100 percent;
Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;
Whereas men are less likely than women to visit their doctors for regular screening examinations of male-related problems for a variety of reasons;
Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and health screening rates;
Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;
Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;
Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;
Whereas men who are educated about the value of preventive health care can play in prolonging their lives and raising as productive family members will be more likely to participate in health screenings;
Whereas men and their families are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;
Whereas June 11 through 17, 2012, is National Men's Health Week; and
(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

S. Res. 502

Celebrating the 150th anniversary of the signing of the First Morrill Act

Whereas, on July 2, 1862, the First Morrill Act (7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges, in promoting education as a means of economic advancement and intellectual pursuit;
Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys; Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and
(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

June 20, 2012

That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;
Whereas the 37th Congress sought to energize the vital intellectual resources of the United States that the First Morrill Act represented; and
(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;
Whereas the 37th Congress sought to energize the vital intellectual resources of the United States that the First Morrill Act represented; and
(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represented; and
(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-Grant Colleges and Universities an enrolled copy of this resolution for appropriate display.
Mr. LEAHY. Mr. President, I commend the Senate for agreeing to this resolution celebrating the 150th anniversary of the signing of the First Morrill Act. The Morrill Act, named for its author, Justin Morrill of Strafford, VT, granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit. This landmark legislation brought national attention to public higher education in the United States and made higher education accessible to the public by granting Federal land to each State to be used toward funding public agriculture colleges. It is difficult to overstate the profound impact and ways in which the core democratic vision behind the Morrill Act has improved the lives of Americans. Land grant institutions have opened the doors to affordable and accessible higher education for millions of students. These public institutions are the lifeblood of many communities, serving as hubs of research and innovation, as drivers of economic growth, and as labs for critical thinking and public debate.

The University of Vermont is the State of Vermont's land-grant university. It is fitting that representatives from the University of Vermont’s Proctor Maple Research Center will be in town next weekend for the Smithsonian’s 2012 Folklife Festival. This year, the annual event celebrates the spirit of the Morrill Act and the cultural impact of land-grant institutions. Timothy Perkins, Timothy Wilmont, Emily Drew, George Cook, and Brian Stowe will host a booth at the Festival on the maple industry and sugar production. Students and researchers at the UVM School of Natural resources have been at the lead for many years in understanding and addressing water quality problems in Lake Champlain. Preparing students with a great basic education in environmental science and policy, these young people are then deployed to the UVM research vessel the Melosira, to the Rubenstein Lake Research Lab, and to watershed groups to put their skills to the test. It is not unusual to see UVM undergraduates coming off the lake, cold and wet on a cold fall day and burdened with nets, buckets, and boots—and smiling from ear to ear.

Vermont is a small State and could never have built such a fine and world-renowned research University but for the Morrill Land Grant Act. UVM is now an engine that helps to drive our state, and to benefit the Nation.

ORDERS FOR THURSDAY, JUNE 21, 2012

Ms. STABENOW. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Thursday, June 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed reserved for their use later in the day; that the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Thursday, June 21, 2012, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

POLLY ELLEN TROTTENBERG, OF MARYLAND, TO BE UNDER SECRETARY FOR TRANSPORTATION FOR POLICY, VICE ROY W. KIENITZ.

DAVID MASUMOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPiring SEPTEMBER 3, 2014, VICE STEPHEN W. FORSTER, TERM EXPIRING.

ANDREW C. GATLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS AND THE HUMANITIES FOR A TERM EXPiring SEPTEMBER 5, 2013, VICE JOHN HOWELL, OF VIRGINIA.

THOMAS J. BRINNAN, OF MISSOURI, TO BE CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, CLASS TWO, TO BE APPOINTED AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, VICE JESSE LAPIERRE, OF MASSACHUSETTS.

RICHARD D. HELD, OF CALIFORNIA, TO BE CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, CLASS THREE, TO BE APPOINTED AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, VICE PATRICIA E. WATTS, OF MARYLAND.

ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA, TO BE CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, CLASS FOUR, TO BE APPOINTED AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, VICE JOHN HOWELL, OF VIRGINIA.

YAMILEE M. BASTIEN, OF FLORIDA, TO BE CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, CLASS ONE, TO BE APPOINTED AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, VICE CHRISTOPHER BECKER, OF ILLINOIS.

ORDERS FOR THURSDAY, JUNE 21, 2012

Ms. STABENOW. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Thursday, June 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the two leaders, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees; further, that at 11 a.m., the Senate resume consideration of S. 3240, the farm bill, and the votes on the remaining amendments to the bill.

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

PROGRAM

Ms. STABENOW. There will be several rollover calls beginning at approximately 11 a.m. tomorrow in order to complete action on the farm bill.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no other business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 20, 2012 withdrawing from further Senate consideration the following nomination:

CONSERVATION AND ECONOMIC GROWTH ACT

SPEECH OF
HON. DENNIS A. CARDOZA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes:

Mr. CARDOZA. Mr. Chair, I rise today to offer my reserved support for the legislation before us today.

This bill, like so many others that we vote on, is far from perfect. I have reservations about the continued expansion of Administrative authority to waive laws that we enact here in Congress and I have reservations about continuing to expose some of the most wild and pristine areas of our country to development. However, I will support this bill because of its positive impacts for the people I was sent here to represent.

As many of you are aware, water is the lifeblood of the San Joaquin Valley, the most productive agricultural region in the world. Since I entered Congress, I have made it a priority to increase water supply reliability for both the San Joaquin Valley and the Sacramento-San Joaquin Delta. Title I of this bill helps to achieve that purpose.

It achieves this purpose in a very simple way, by allowing for the consideration of a 10-foot increase in the spillway of an existing dam. This raise in the spillway will allow for critical year water supply increases of 15,000 acre-feet and will generate an additional 10,000 Mega-Watt Hours per year of clean, renewable energy, all at no cost to the taxpayer. And importantly, the project still has to meet environmental standards. This is a common sense approach to solve a problem incrementally, and one that I liked so much that I carried the bill in previous Congresses.

I’d like to thank you for the opportunity to speak in support of this legislation.

PERSONAL EXPLANATION

HON. DAVID N. CICILLINE
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. CICILLINE. Mr. Speaker, on the Legislative Day of June 8, 2012, upon request of a leave of absence after 11:00 a.m., a series of votes were held. Had I been present for these roll call votes, I would have cast the following votes: On agreeing to the Broun (GA) amendment (Roll No. 372) I vote “No”; On agreeing to the Sclar amendment (Roll No. 373) I vote “No”; On agreeing to the Flake amendment (Roll No. 375) I vote “No”; On motion to recommit with instructions (Roll No. 376) I vote “Yes”; On passage (Roll No. 377) I vote “No”; and On motion that the House instruct conferences (Roll No. 378) I vote “No.”

HONORING DARTMOUTH MIDDLE SCHOOL UPON ITS RECOGNITION AS A SCHOOL TO WATCH

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Dartmouth Middle School upon its recognition as a “School to Watch” by the National Forum to Accelerate Middle Grades Reform in 2012. Located in San Jose, California, Dartmouth Middle School is a public middle school in the Union School District that teaches grades six through eight. It was recently named as one of the top performing middle grade schools in the country and will be recognized by the National Forum to Accelerate Middle Grades Reform at their annual conference in Arlington, Virginia from June 21–23.

In 2012, only 103 schools around the country were named “Schools to Watch” by the National Forum to Accelerate Middle Grades Reform. The Forum is an alliance of more than 60 educators, researchers, and officers of national associations and foundations committed to improving schools for young adolescents across the country. Forum members choose schools that are academically excellent, developmentally responsive, and socially equitable.

Dartmouth Middle School meets and exceeds the criteria for a high-performing middle grade school. It involves students in service activities, celebrates diversity, and actively engages its students in their own learning. It has a Homework Club four days a week where students may drop in to get help from teachers with homework questions. At a time when schools are cutting back on afterschool activities, Dartmouth still allows students to put on a school play, participate in various sports, and perform in different levels of band. It is indeed an honor and a privilege to have such a dedicated and nurturing institution in my district that appreciates its students, the community, sports, and the arts. I wish Dartmouth Middle School continued success for many years to come.

A TRIBUTE TO KENNETH FARRELL

HON. EDOPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor and pay tribute to Kenneth Farrell.

Kenneth Farrell was born the only child of James and Ruby Farrell on the island of Trinidad. At the age of five, the Farrell family migrated to Brooklyn, New York. He lives in Brooklyn with his wife, Yvonne. Together they raised three delightful daughters, the couple’s A-Team: Arroya, Ashley and Alexandra.

Mr. Farrell completed a Bachelor of Arts Degree at Baruch College, followed by a Juris Doctorate at the James E. Beasley School of Law at Temple University. While in law school, Ken wanted an opportunity to work with the community. As a proud graduate of the New York City public school system, Mr. Farrell was drawn to the school board and was elected to three terms as a Board Member of the NYC Board of Education, serving District 32. Upon graduation, he continued to serve the community by joining the staff of Congressman Major Owens as a special assistant.

Mr. Farrell found another opportunity to serve his community on a larger scale after working with Congressman Owens. He would do so in my office as my legislative assistant in the 10th Congressional District. He worked with hospital administrators, planning boards and managed special projects. His dedication to the community put Mr. Farrell in touch with real people and issues in the community, and allowed him to see firsthand the true state of Brooklyn communities.

Mr. Farrell, in his quest to reach the community on a different level, began a career in mortgage banking. As a federal and state licensed mortgage loan originator, he provides his clients with pure honesty and guides them in making the right choices for them, not the most profitable choices for himself. Finally, he offers his clients a reason to have faith that they can make their home ownership dreams a reality. Kenneth is very passionate about his work and works hard for his clients.

Mr. Farrell continues to serve as a community advocate, by serving as a board member on the board of the Black Veterans for Social Justice.

Mr. Speaker, I would like to recognize Mr. Farrell for his leadership in the community as well as the excellent work he performed in my office. I am honored to have had the chance to work with him as we work to make our communities a better place to live.

RECOGNIZING GORDON HIRABAYASHI, RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. ADAM SMITH
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Gordon Hirabayashi for posthumously receiving the Presidential Medal of Freedom for his stand against Japanese American internment following the attack on
Pearl Harbor. This award is our nation’s highest civilian honor and is presented to individuals who have made outstanding contributions to the United States.

Mr. Hirabayashi was a Seattle native and a student at the University of Washington when Pearl Harbor was bombed. Shortly afterwards, Japanese Americans were ordered to board buses for internment camps. In an act of bravery and civil disobedience, Mr. Hirabayashi, a second-generation Japanese American, refused to board the bus.

Mr. Hirabayashi, with the assistance of the American Civil Liberties Union, filed a lawsuit against the military executive order stating that Japanese Americans were a threat. Unfortunately, Mr. Hirabayashi lost the suit and was sentenced to 90 days in prison for curfew violation.

In 1987, Mr. Hirabayashi’s conviction was overturned after it was determined that there was no military reason for the internment of Japanese Americans. After more than four decades, the effort he put into protecting the rights of citizens during times of war has finally been realized.

Mr. Hirabayashi passed away on January 2, 2012, at the age of 93 in Edmonton, Alberta where he served as a sociology professor from 1959 until his retirement in 1983. His family will receive the Presidential Medal of Freedom in his honor.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Gordon Hirabayashi for his tireless commitment to justice.

HONORING BRANDON ELIZARES

HON. SILVESTRE REYES
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Mr. REYES. Mr. Speaker, I rise today with a heavy heart as I take time to remember Brandon Elizares, a young man who left us two and a half weeks ago. He will always be remembered for his smile, his personality, and his desire to serve as an inspiration to others.

Brandon, like 11.7 million people in this country, was gay, and like so many of his peers, was harassed and bullied until he took his life on June 2nd after being threatened with being buried alive and shot. His last message—echoed his infinite love for his family and his apologies for not being strong enough to continue taking the abuse he had faced for over two years. His final words read, “My name is Brandon Joseph Elizares and I couldn’t make it. I love you guys with all of my heart.”

High school is an exciting time with an array of new experiences and challenges, but one thing it should not be is an environment where young people must worry about being bullied. Children in high school should be focused on their education. The sad reality is that for many students their primary concerns don’t lie in textbooks or exams, but in fear that they will not be accepted by their peers, that they will be physically abused, and, in the case of Brandon and countless others like him, that they may consider taking their own life to escape the pain.

Brandon was a young man who exemplified the best in the El Paso community. He embodied what this nation looks for in all of its young people. He was a best friend, a loving son, an aspiring model and artist, an excellent student, and, to a teenage girl who had contemplated suicide due to encounters with bullying, Brandon was a superhero and an older brother.

Like so many El Pasanos, I feel a personal connection to Brandon, and his death reflects the unfortunate truth that many young people in our community continue to suffer. I stand before you today asking you to help me in ensuring that Brandon’s death was not in vain. Please join me in support of the Student Non-Discrimination Act (H.R. 998) and the Safe Schools Improvement Act (H.R. 1648) to protect LGBT students from discrimination and bullying in schools. I also ask you to stand with me in support of the “It Gets Better” campaign, a project whose goal is to prevent suicide among youth by having adults and allies convey the message that these teens’ lives will improve.

In our country today the facts are clear: 56 percent of students have personally felt some sort of bullying. Between 4th and 8th grade in particular, 90 percent of students report being the victim of bullying.

A victim of bullying is twice as likely to take his or her own life compared to someone who is not a victim.

41 percent of principals say they have programs designed to create a safe environment for LGBT students, but only 1/3 of principals say that LGBT students would feel safe at their school.

Every day thousands of children wake up feeling for their well being as they go to school; if the Student Non-Discrimination Act and the Safe Schools Improvement Act were enacted today, we could provide students a sense of relief and some reassurance that their government is working to improve their lives by increasing awareness about their daily struggles.

This issue, as all of you know, is not limited to one district or state, but has been felt throughout our country from California to New York. As a proud grandfather, I could not imagine what it would be like to have any of my grandchildren be bullied at school. There is no place in our society for bullying or discrimination, whether it’s in our schools, communities or in our military. I want to provide hope to our youth and remind them they are not alone and that there are many venues they can turn to for help. I want to send a simple and powerful message: it gets better. If you are a student or a teacher there are resources available and I encourage you to visit www.stopbullying.gov or www.itgetsbetter.org for more information.

To the family of Brandon Elizares, no words can lessen your pain or bring your son back, but I stand with you today in honoring this kind young man. The display of love and affection from those who were close to him, those he helped, and those who have gone through experiences like his are a testament to the person he was and to the way you raised him. Brandon’s genuine spirit and love will live on in all of those he touched. Today, the House of Representatives and our nation honors Brandon Elizares.

PERSONAL EXPLANATION

HON. TIM GRIFFIN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I was ill with food poisoning and missed rollcall vote No. 379 and rollcall vote No. 380 on Monday, June 18, 2012, as well as rollcall vote No. 381 and rollcall vote No. 382 on Tuesday, June 19, 2012.

If I had been present, I would have voted “aye” for each of the following: rollcall vote No. 379 (S. 684), rollcall vote No. 380 (S. 404), rollcall vote No. 381 (On Ordering the Previous Question), and rollcall vote No. 382 (H. Res. 688).

A TRIBUTE TO ARTHUR MOLINELLI JR.

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise to pay tribute today to Mr. Arthur Molinelli Jr. Mr. Molinelli Jr. is the owner and operator of The Modern Meat Market located on 771 New Lots Avenue. The Modern Meat Market was founded by his father after their family moved from Manhattan to Brooklyn in 1914. The market opened at 383 Milford Street on the corner of New Lots Avenue and has been in his family since 1944. Mr. Molinelli emphasizes that education and leadership, community service and entrepreneurship are deeply rooted values in his family.

Mr. Molinelli was in the Army Reserve and also served as a New York City Police Department Detective from 1974 to 1982. He and his wife, Louise, recently celebrated their 40th wedding anniversary. Arthur’s brother, Steven, was the Principal of Public School 302. His brother’s wife, Rose, is currently the Assistant Principal of Public School 218. Arthur was born and raised in East New York in 1945. He went to St. Rita Catholic School located at Sheppard and Liberty Avenue. Arthur also attended and graduated from Franklin K Lane High School where he was a member of the Varsity Baseball Team. His son Justin started his career as a public school educator at Intermediate School 292 located at Wyona and Pitkin Avenue.

Arthur’s entrepreneurship experience spans from the time The Modern Meat Market was opened by his father to when he had officially joined the family business as the owner and operator. The Modern Meat Market services numerous Day Cares and Private Schools in East New York. Presently, he is still the owner and operator of the family business.

Lastly Arthur Molinelli Jr. and The Modern Meat Market are very active in the community. Mr. Molinelli demonstrates his commitment to community service through The Modern Meat Market yearly Turkey Giveaway, in which they distribute over 500 turkeys to the community. Arthur is a member of The New Lots Avenue
RECOGNIZING WILLIAM FOEGE, RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. ADAM SMITH
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor William Foege for receiving the Presidential Medal of Freedom for developing a strategy for immunizing people against, and eventually eradicating, smallpox. This award is our nation’s highest civilian honor and is presented to individuals who have made outstanding contributions to the United States.

Mr. Foege, a graduate of Pacific Lutheran University and the University of Washington School of Medicine, was instrumental in developing the plan to eradicate smallpox. While serving as a missionary in Nigeria where we gave vaccines to the locals, Mr. Foege experienced a critical vaccine shortage. In order to be most effective, he started actively seeking out infected people, using photos and rewards to draw people in and immunizing anyone who had come in contact with those suffering from smallpox.

The immunization strategy Mr. Foege developed became known as “surveillance and containment.” It is widely credited for the eradication of smallpox, which is often deadly especially in developing countries. For example, while using this technique in India during the 1970s, Mr. Foege and his colleagues found 11,000 cases of smallpox and within a week delivered immunizations to those infected people.

Mr. Speaker, I ask that my colleagues in the House of Representatives join me in celebrating the remarkable life of Chuck Jones, who served our country during the Cuban Missile Crisis, but his service to his country did not stop there. After his passing, she said:

TRIBUTE TO CAROLINE WHITSON

HON. JAMES C. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable educator, civic leader and a dear friend, Dr. Caroline Whitson. Dr. Whitson is retiring on June 30, 2012, after serving as the 17th President of Columbia College for 11 years. Her leadership of this great institution will be sorely missed.

Dr. Whitson is a native of Arkansas, who grew up in Atlanta, Georgia, and returned to her home state to earn a B.A., M.A. and Ph.D. in English from the University of Arkansas. She also earned a diploma in international relations from the London School of Economics.

She began her career as an English professor, and climbed the ranks of academia to become a vice president for advancement, and a provost and vice president for academic affairs.

Since coming to Columbia College, Dr. Whitson has embraced the college’s original mission, a dedication to the education of women. She expanded the college’s Women Leadership Institute and helped found the Alliance for Women, which is a partnership between Columbia College and the Governor’s Commission on Women, to prevent the latter’s closure in 2004. Dr. Whitson has also instituted on campus the 4C leadership model that develops in young women Courage, Commitment, Confidence, and Competence. All of these efforts combine to support and grow women leadership on campus.

Her leadership of the college has also resulted in annual fundraising that has doubled during her tenure. The endowment has grown by 40 percent, and she has established the McNair Scholars program and the Reeves endowed Chair in the humanities.

A college cannot grow without providing the necessary facilities. So under Dr. Whitson’s watch, the college has added a new student union, residential cottages, and an athletic complex. She has also led the renovations of the Freshman Union Center, the Godfrey Art Gallery, Edens Library and the Cottingham Theatre. She has also made environmentally friendly updates to the campus, adding solar panels to reduce the carbon footprint, and revitalizing the landscape.

Dr. Whitson has also expanded academic opportunities on campus by signing agreements for research and for faculty and student exchanges with both the State University of Mongolia and the Hiroshima Jogakuin Women’s University in Japan.

Under her guidance, Columbia College has received a number of recognitions for teaching and scholarly excellence from the Theodore Hesburgh Foundation, the Carnegie Foundation, the National Collegiate Honors Council, the Council for the Advancement and Support of Education, the Foundations of Excellence for the first College year, the NAIA Champions of Character, the National Communication Association, and the National Association for the Education of Young Children.

Dr. Whitson has also lent her leadership skills to the community. She chaired the S.C. Independent Colleges and Universities Presidents’ Council and the Richland County Transportation Commission. She has also served as a member of the S.C. Tuition Grants Commission, Mayor Bob Coble’s City of Columbia Arts Task Force, the Greater Columbia Chamber of Commerce, and The Nurturing Center board.

Currently, Dr. Whitson chairs the S.C. ETV Endowment Board. She is a member of the Midlands Business Leaders, Eau Claire Development Corporation, and the United Way board. She is also a member of the regional technology council, EnergySouthSC, and serves on the President’s Council of the National Council for Research on Women.

Her tremendous work has earned her the honor of a “Woman of Distinction” from the Girls Scouts of the Congaree Area, “Outstanding Advocate for Women in Business” from the Columbia Chamber of Commerce, and the Martha Kim Piper award from the South Carolina Women in Higher Education.

Dr. Whitson is married to Turner Whitson, and the couple has one daughter, Dr. Heather Whitson. They have a son-in-law, Dr. Ben Maynor, and two grandsons, Jacob and Christopher.

Mr. Speaker, I urge my colleagues to join me in thanking Dr. Caroline Whitson for her years of service to higher education and to her community. Her work has improved Columbia College and the greater Columbia Metropolitan area. While she will be greatly missed, I look forward to her continued good work on behalf of women’s education and improving the status of women worldwide.

HONORING CHARLES M. JONES

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. DUNCAN of Tennessee. Mr. Speaker: Our Nation recently lost one of its most patriotic Americans, Mr. Charles M. “Chuck” Jones, on May 16, 2012. Chuck had been a close friend of mine for many, many years and was one of the finest men I have ever known.

Chuck joined the Navy as a teenager to work the end of World War II. Chuck continued his service for 22 years on troop ships and submarines. He served during the Korean Conflict and the 1962 Naval blockade involving the Cuban Missile Crisis, but his service to our Country did not stop there.

Later in his career, Chuck served as the Veterans Service Officer for Knox County, Tennessee, from 1985 to 2012. He was involved in various military organizations over the years and helped spearhead the movement to bring to our area what is now known as the Ben Atchley State Veterans Home, which opened in 2007. In fact, a road near the Veterans Home was renamed in his honor and will be known from hereafter as Chuck Jones Drive.

Along with his exemplary military career and outstanding work in our community, Chuck Jones had a profound impact on my staff and me personally. My Knoxville Office Manager, Jenny Starnesberry, worked closely with Chuck on Veterans issues, and I echo her sentiments.

After his passing, she said:

I feel very fortunate to have worked so closely with a man whom I admired tremendously. His accomplishments in serving our Country are only outdone by the character and integrity Chuck displayed every day of his life. I will miss our working relationship, but more than that I will miss our friendship.

Mr. Speaker, I urge my Colleagues and other readers of the RECORD to join me in celebrating the remarkable life of Chuck Jones. He was truly a great American and I feel this Country is certainly a better place because of his life.
E1092

CONGRESSIONAL RECORD — Extensions of Remarks

June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Pastor Paul B. Mitchell, senior Pastor and visionary for Changing Lives Christian Center in the East New York section of Brooklyn, NY.

Pastor Mitchell was born in Kingston, Jamaica and is the sixth of seven sons to his parents Alfred and Myrtle Mitchell. Pastor Mitchell and his family migrated to United States in 1971. He can recall at the very young age of six, his parent’s diligence and tireless work effort to provide for him and his brothers. Admiring their work ethic, determination and zeal to make a happy home for the family was the motivation needed to fuel and fulfill the calling on his own life.

Pastor Mitchell served as a successful banker for over fourteen years, working with well-known institutions like JP Morgan Chase, First Card and EAB were fundamental in preparing him to take on the leadership role that he now holds today. On January 1, 2003, Pastor Mitchell was called to serve a new role, as a Pastor.

In addition to his work with his congregation in the East New York section of Brooklyn, Pastor Mitchell is known all over the Tri-State area through radio and TV. Currently, he can be heard on WLIR 1190 AM every Sunday morning and can also be viewed on BCAT Television, Manhattan TV, and on Trinity Broadcasting Network (T.B.N). Pastor Mitchell ends all of his sermons with the phrase, “if you work the word the word will work for you.” Truly the “Change Your Life” Broadcast is changing lives through the taught word of God.

Pastor Mitchell ministers directly to the hurts, issues and challenges that people face in a very practical and relevant way. He believes that the human spirit, which houses the purpose for which we’ve all been created, must be nurtured naturally and spiritually. He believes that everyone is intrinsically designed with a gift that has the power to propel them into their destiny. The goal of the Changing Lives Christian Center is to meet each person at the point of their need and equip him or her for success, by teaching them how to live successful Christ centered lives. Pastor Mitchell is a man of integrity and uprightness. He’s a giver of himself. Most importantly he is a man of God that seeks to honor and obey God in all his ways.

Pastor Mitchell is a loving and devoted husband and friend to his wife Yasmin of fifteen years. He is a gentle, loving and encouraging Pastor to his people. He is a dedicated and loving son to both his parents, Myrtle, 77, and Alfred, 88.

Mr. Speaker, I would like to recognize Pastor Paul B. Mitchell for his service as Pastor of the Changing Lives Christian Center in East New York, Brooklyn.

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Captain Francis Gary Powers, a loyal, devoted citizen of the United States, who was posthumously awarded the Silver Star last week.

A native of Virginia’s Ninth Congressional District, Captain Powers grew up in Pound, Virginia. According to the official award citation, from May 1, 1960 to February 10, 1962, Captain Powers served in connection with military operations against an armed enemy of the United States. While assigned to the Joint U.S. Air Force, Central Intelligence Agency (CIA), U–2 Reconnaissance Squadron, Detachment 10–10, Captain Powers was held captive in solitary confinement in the infamous Lukyanka Prison in Moscow after his U–2 aircraft had been shot down by a Soviet surface to air missile.

For almost 107 days, Captain Powers endured interrogations, harassment, and unmentionable hardships on a continuous basis by numerous top Soviet Secret Police interrogating teams. Although greatly weakened physically by the lack of food, denial of sleep and the mental rigors of constant interrogation, Captain Powers steadfastly refused all attempts to give sensitive defense information or be exploited for propaganda purposes. Captain Powers resisted all Soviet efforts through cajolery, trickery, and threats of death to obtain the information they sought.

Captain Powers was subjected to a trial and was sentenced to an additional 542 days of captivity in Vladimir Prison before finally being released to the United States in 1962. As a result of his unconquerable spirit, exceptional loyalty, and continuous heroic actions, Russian intelligence gained no vital information from him. For his sustained courage in an exceptionally hostile environment, Captain Powers was publicly recognized by the Director of the CIA and the Senate Armed Services Committee. By his gallantry and devotion to duty in the dedication of his service to his country, Captain Powers has reflected great credit upon himself and the United States Air Force.

It is with great admiration, respect, and appreciation that I stand before you to honor such a courageous American. I know I speak for so many when I say, we’re proud of our native son, Captain Francis Gary Powers.

Mr. SMITH of Washington. Mr. Speaker, I rise today to pay tribute and honor Mr. Leroy Sawyer, a man who has spent much of his life working for the public good.

Mr. Leroy Sawyer was born to William and Georgia Sawyer. He graduated from Stuyvesant High School with a Science Major, a Math Minor Diploma, and lettering in baseball. Mr. Sawyer rose quickly as a member of the New York City Police Department. Though not graduating from the Academy he was placed in “plainclothes” and promoted to Detective

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after his third year on the job. He was only twenty-four years old.

Mr. Sawyer embodies the term ambitious. He has owned three taverns in Brooklyn, and managed five taverns in Manhattan include the "Spotlight Bar" next to the Apollo Theater. He’s owned four Laundromats, liquor stores, an office supply store, and scores of houses in Brooklyn.

Mr. Sawyer is also very active in the community; he came out of retirement, and presently serves as my community liaison for the 10th Congressional District. He has been a member of the Board of Managers at the North Brooklyn YMCA for over twenty years, serving as chairman for ten of those. In addition, he is a Founding member of the Board of Directors of the Boys and Girls Club of Eufaula, Alabama and a lifetime member of the NAACP.

Mr. Sawyer is married to Rosa Beatrice and together they have two children, Lisa and William, and four grandchildren, Tyra, Tammarra, Leasia and Karima.

Mr. Sawyer believes that we all have an opportunity to succeed in life. He believes we should not be afraid to follow our dreams. He certainly followed his own advice and is now enjoying the sweet fruits of his labor. Mr. Sawyer and his wife currently split their time between homes in Brooklyn, New York and Eufaula, Alabama.

Mr. Speaker, I would like to recognize Leroy Sawyer for his unceasing ambition in life, as well as his commitment and leadership in his community.

HONORING STEVEN ANDREW MULLINS

HON. H. MORGAN GRIFFITH
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Steven Andrew Mullins, a devoted businessman and member of the Salem and greater Roanoke Valley communities, who passed away Saturday, June 9th at the age of 62.

Born on November 8, 1949, Steven was an athlete, student, and great friend to those around him. Everyone seemed to know Steve or know of him. In 1968, he graduated from Andrew Lewis High School, and then went on to obtain a Business Degree from the University of Georgia in 1973.

His first attempt at running a small business came in 1973 in Salem, VA when he and his father, Harold, opened Steve’s Famous Hot Dogs with only $500 in initial capital. Doing what he loved most, serving his community. Steve’s business exploded with success and spread throughout the region to 17 different locations.

Later, Steve helped open Famous Anthony’s in 1986. These business ventures helped Steve discover his interest in real estate, and he eventually became known as one of the best commercial realtors in the Roanoke Valley.

Despite all of Steve’s business success, his brother Brad found only one accolade in his brother’s lock box. It was a printout of the motion Steve made to form Salem City Schools. At the time, the schools were part of Roanoke County schools, so—as a member of the Salem City School Board—Steve made the motion to form Salem’s independent school district. Described by many as a man with a passion that is hard to understand, this is just another example of Steve wanting to do well for his community.

My thoughts and prayers go out to Steve’s family and loved ones. His love for his family, neighbors, community, and contributions will always be remembered and cherished in Salem and throughout the Roanoke Valley.

IN SUPPORT OF WORLD, REFUGEE DAY

HON. LAURA RICHARDSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise in support of World Refugee Day. Across the globe approximately 43.7 million people have been displaced after being forced to flee their homes due to the threat of persecution, violence and conflict. The majority of these people are forced to live in extreme poverty and endure unspeakable conditions. This is a day to honor the courage and strength of those that have lost everything, through no fault of their own. Many have had to make the terrifying decision of risking their lives, and their families lives by staying in a conflict stricken area, or leaving their home, facing hardships behind in an attempt to find safer conditions.

The United Nations High Commissioner for Refugees provides lifesaving assistance and protection to 33.7 million of those displaced, but even this is not enough. Women and children in camps experience high levels of rape and assault, and there is rarely enough food to go around. Health conditions in these camps are often extremely poor and disease runs rampant.

Mr. Speaker, the United States has taken in countless numbers of refugees in our history. They have become an essential part of the fabric of our society, but we can still do more. This is why I am a co-sponsor of H.R. 690, a resolution that recognizes America’s positive impact on the international refugee community, but calls for important changes to be made to H.R. 2185, the Refugee Protection Act of 2011.

These changes would eliminate the 1-year filing deadline for asylum applications that puts at risk thousands of people each year, create a path to legal citizenship and ensure that victims of persecution are not inadvertently forced back to the countries they fled to begin with.

Mr. Speaker, this is a day to remember that we are the lucky ones. We live in the greatest country in the world where freedom of belief, speech, and press amongst others are God given rights, not privileges. As a member of the Congressional Human Rights Caucus I fully support the efforts of the UNHCR and H.R. 690 to try and make that a reality for all, regardless of nationality.

Today is the perfect time to recognize all those living in poverty stricken refugee camps because it is safer than going home, and those all those who dream of returning to the land of their fathers, but are unable to do so. I ask my colleagues to support H.R. 690, and I support the honorable efforts of World Refugee Day.

INTRODUCTION OF A BILL TO AMEND TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 TO PROVIDE FOR A GUARANTEE BY THE PENSION BENEFIT GUARANTY CORPORATION FOR QUALIFIED PRERETIREMENT SURVIVOR ANNUITIES UNDER INSOLVENT OR TERMINATED MULTIEmployer PENSION PLANS

HON. THOMAS E. PETRI
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. PETRI. Mr. Speaker, today I am introducing a bill to rectify an inequity regarding the benefits provided to surviving spouses through the Pension Benefit Guaranty Corporation (PBGC). I am pleased to be joined by Rep. Rob Andrews in this effort.

PBGC provides pre-retirement survivor coverage, which provides the surviving spouse of a pension participant who dies before retirement. However, in the case of a multiemployer pension plan turned over to PBGC, this benefit is guaranteed only if the plan participant dies before the plan is turned over. For single-employer plans the benefit is guaranteed regardless of when the participant dies.

The PBGC web site acknowledges this discrepancy, stating "... For the most part, the PBGC guarantees the same type of benefits for multiemployer pension plans as for benefits in the single-employer program, with the exception that preretirement survivor annuities are forfeitable in multiemployer plans if the participant has not died as of the termination date.

The debate over how to best provide income security for older Americans will continue for some time. However, in the meantime, it is unconscionable that a widow or widower would be denied the modest benefits provided under the PBGC multiemployer plan simply because his or her spouse did not die before the plan was turned over to the PBGC. This discrepancy appears inadvertent and deserves to be corrected by Congress. I ask my colleagues for their support of this legislation so we can address this issue quickly.

INTRODUCTION OF A RESOLUTION TO COMMEMORATE THE 40TH ANNIVERSARY OF TITLE IX

HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. MALONEY. Mr. Speaker, on the 40th Anniversary of Title IX, I can clearly recall my youth when I and my female classmates didn’t participate in sports simply because there weren’t any sports for girls to play. Many believe that a benefit to the sport of athletics. While it’s true that Title IX has literally changed the playing field for women in sports, this landmark legislation has also created opportunities for women in math, law,
science, and other fields where women and girls have historically faced considerable barriers to access and involvement.

Prior to Title IX, sex discrimination was rampant. Many colleges limited the number of women by requiring higher grades and test scores than men, pregnant students were frequently expelled from high schools, and athletic programs for females were virtually non-existent.

Today, women comprise over half of undergraduate students, roughly half of students in medical and law schools, and girls’ participation in high school sports has increased tenfold. To commemorate this landmark legislation, I am introducing a Resolution to Commemorate the 40th Anniversary of Title IX along with Reps. GUSEN MOORE, MARCIA FUDGE, ELEANOR HOLMES NORTON, BARBARA LEE, FREDERICA WILSON, BETTY MCCOLLUM, LAURA RICHARDSON, EDOLPHUS TOWNS, RUSsell CARNAHAN, LYNN WOOLSEY, Jim MCDERMOTT and Jim McGOVERN. The countless girls and women that have benefited from Title IX are a testament to the importance of gender fairness and the obstacles girls and women still face in overcoming the wage gap, sexual harassment and shattering ceilings in lines of work that still favor men.

It’s my great hope that we will use this momentous occasion to affirm the equal treatment of men and women and boys and girls and endeavor to work towards a time when women and girls can achieve true equality in athletics, education, and employment.

**HONORING UNITED WAY’S 125TH ANNIVERSARY**

**HON. ROBERT A. BRADY**

**OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 20, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Pennsylvania’s First District Chapter of United Way, in honor of the nonprofit’s Annual Day of Action and 125th anniversary.

In 125 years, United Way has become the world’s largest privately supported nonprofit dedicated to combating social welfare issues in cities across the country. The organization now boasts nearly 1,800 community-based United Way chapters in 41 countries, raising more than $5 billion dollars annually. The non-profit’s efforts have translated into a nationwide campaign to create programs that foster healthy children, families and communities.

United Way and its partners are a leading community impact organization as they increase public awareness of social welfare issues affecting our nation. Dedicated to improving education, income stability and healthy lives, the organization has relentlessly challenged the system to create better opportunities for all. United Way’s ability to make connections between individuals and government agencies, have made it easier to address the pressing needs of local communities.

Thousands of individuals across the country will participate in United Ways Annual Day of Action to advance the common good by creating strategies to improve education, income and health. More than 125 years later, United Way still honors its original mission that focuses on utilizing the resources of local communities to make a difference in people’s lives.

I ask that you and my other distinguished colleagues join me in honoring the First District Chapter of United Way for their commitment to improving the lives of families and communities of millions of people in Philadelphia and beyond.

**RECOGNIZING THE 100TH ANNIVERSARY OF THE GIRL SCOUTS**

**HON. ADAM SMITH**

**OF WASHINGTON**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the 100th Anniversary of the Girl Scouts of the United States of America and the designation of 2012 as the Year of the Girl. I. 1912, Daisy Low began the Girl Scouts Movement with only 18 girls. Low’s mission was to give girls the opportunity to develop skills in self-reliance and resourcefulness that will help them as professional women and citizens.

Over the years, more than 50 million girls and women have participated in the Girl Scouts, giving them the tools to lead with courage, confidence and character. Some of the most accomplished women in public service, business, science, education and the arts are alumnae of the Girl Scouts.

Today, Girl Scouts of the USA is developing more programs to help girls become more involved in Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship. Across the country, Girl Scouts dedicate over 70 million hours of service to their communities annually. Girls who achieve their Gold Award, the highest achievement a Girl Scout can earn, take extraordinary steps to solve a problem and make a lasting impact on their community.

Mr. Speaker, it is with great pleasure that I honor the great accomplishment of the Girl Scouts of the USA. I know today’s Girl Scouts will be part of the next generation of women leaders in our country.

**HONORING DIANE NUNN FOR SERVICE TO CALIFORNIA**

**HON. KAREN BASS**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 20, 2012

Ms. BASS of California. Mr. Speaker, today I honor a remarkable constituent of California, Diane Nunn, for receiving the First Annual Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change. Ms. Nunn is characterized by her leadership, humility, and her deep driving compassion for the lives of families and children in California. Ms. Nunn was recognized for this award because of her lifetime commitment to improving the lives of families and children in California as a teacher and through her work at the Administrative Office of the Courts.

Ms. Nunn joined the Administrative Office of the Courts in 1986 as an attorney in private practice with an emphasis on family and criminal law, including domestic violence prevention and intervention. Since 2000, Ms. Nunn has been the Division Director of the Center for Families, Children & the Courts, and the Administrative Office of the Courts. During her time in this office, Ms. Nunn also served as a juvenile court referee for the Superior Court of Los Angeles and has published influential written material for her field.

Mr. Speaker, I am proud to have such a pioneering and inspirational community leader like Diane Nunn in my home state of California and I congratulate her on the receipt of this award.

**RECOGNIZING STAFF SERGEANT MITCHELL CORBIN**

**HON. PETE OLSON**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 20, 2012

Mr. OLSON of Texas. Mr. Speaker, I rise today to recognize Staff Sergeant Mitchell Corbin of the Texas Air National Guard for his immense bravery and heroism. After Houston, Texas resident Marie Decker’s car crashed and flipped on its side on Beltway 8, Corbin saved her life by pulling her out of the vehicle moments before it caught on fire. Corbin put his own safety in jeopardy to help a stranger. He is a true hero.

When Decker’s vehicle crashed, Corbin, who was traveling with a friend, pulled over to help. After multiple attempts to get Decker out of the car, Corbin used a fire extinguisher that a bystander brought to the scene to break the passenger window. He then pulled Decker to safety moments before the vehicle burst into flames.

Corbin joined the Texas Air National Guard in 2005 and is a technician for the 147th Reconnaissance Wing, located at Ellington Field Joint Reserve Base in Houston. Using his military skills, Corbin provided first aid to Decker and made sure she was safe until paramedics arrived. Decker suffered a concussion and a broken heel in the crash, but her life was saved because of Corbin.

Staff Sergeant Mitchell Corbin exhibited true military bravery on behalf of a stranger. His actions are a tremendous source of pride for our community and our nation. On behalf of the 22nd Congressional District of Texas, I thank him for his incredible valor.

**OUR UNCONSCIONABLE NATIONAL DEBT**

**HON. MIKE COFFMAN**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

Wednesday, June 20, 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 $15,784,676,619,110.62. We’ve added $5,157,799,570,197.54 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment. On this day in 1782, the Great Seal of the United States was adopted. This seal represents the freedom that we as Americans so
cherish. Let us not relinquish the freedom de-
picted by our seal by shackling ourselves to
the national debt.

A TRIBUTE TO DR. LAWRENCE E. GARY

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Lawrence E. Gary, Ph.D., LICSW, on the occasion of his retirement as a full professor from Howard University School of Social Work.

Dr. Gary has enjoyed a long and distinguished career as a scholar, researcher, educator, author, administrator, and clinical counselor spanning more than half a century. He is recognized as one of the nation’s preeminent scholars on the impact of mental health issues on African American males and African American families. Dr. Gary received his Bachelor of Science degree with high honors from Tuskegee University and earned his Master of Public Administration degree, Master of Social Work degree, and Ph.D. from the University of Michigan. Dr. Gary has received appointments at the School of Social Work at the University of Michigan and Howard University School of Social Work and was the Samuel S. Wurtzel Professor at Virginia Commonwealth University School of Social Work.

Dr. Gary has received funding for research totaling more than $8 million, authored and published hundreds of scholarly articles and papers, and has presented lectures at more than 50 universities and colleges throughout the United States and in South Africa. He has provided consultation to scores of public and private entities in the areas of mental health and substance abuse.

Dr. Gary is a devout Christian and has been a devoted member of the Saint Paul African Methodist Church in Washington, DC where he has provided exemplary leadership as a servant leader on the Board of Trustees and the Steward Board for several decades. He is a devoted husband to Dr. Robenia Gary and father to three children: Lisa, Andre and Jason.

Dr. Gary received the 2002 Distinguished Alumni Service Award from the Alumni Association at the University of Michigan, the 2001 Distinguished Alumni Award from the School of Social Work at the University of Michigan, the 2001 Scholarly Contribution to Mankind Award from Alpha Phi Alpha Fraternity, Inc., as well as awards and distinction from numerous organizations, and is listed in Who’s Who in America and Who’s Who in the World.

Mr. Speaker, I would like to recognize the outstanding contributions Dr. Lawrence E. Gary has made to the social work profession and to the well-being of citizens of the United States of America.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Dr. Lawrence E. Gary.

A TRIBUTE IN HONOR OF THE LIFE OF NANCY TAKAHASHI HATAMIYA

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the tragically abbreviated life of an extraordinary woman, Nancy Takahashi Hatamiya, who passed on May 15, 2012, at the age of 52. She was a woman of integrity, a great professional, a passionate advocate for human rights, a true and loyal friend, an exceptional mother and a devoted wife. She will be missed by everyone who was privileged to know her, and I count myself among those so blessed.

Nancy Hatamiya was born in Rome, Italy, lived in Pakistan as a child, attended elementary and junior high school in Washington, D.C., and graduated from the Jakarta International School before attending Stanford University, where she studied architecture and urban design. She became a Coro Foundation Fellow and it was from Coro that she was assigned to my 1982 campaign for the San Mateo County Board of Supervisors as an aide. After winning, Nancy served as my capable Administrative Assistant for four years. She went on to serve as an advisor to President Clinton, Vice President Gore, Defense Secretary William Cohen, and Assemblyman John Vasconcellos. She was a senior advisor at Manulife, Philips and Phillips, and with her husband Lon, formed the Hatamiya Group, an economic, strategic and communications firm. She proudly served as a member of the Board of Directors of the California Council for the Humanities for nine years and as the Board’s Chair. Her accomplishments were many, and her career was a most distinguished one.

The center of Nancy’s life was her family. She adored her sons, Jon and George, and reviled in all of their activities. She was their most ardent supporter and biggest booster. She had a team of her own. From bands to baseball, she was there for them. Just days after Nancy died, her son George played in a baseball game at Sacramento City College. He said, “Something allows us to fight adversity. My Mom loved watching us play. We were her team. She was a role model for so many, especially to my older brother (Jon) and me. She talked about education, music, sports. She wanted the best for us.”

Just a week before she died, Nancy wrote the following words:

I am convinced that it is the white, healing light, healing thoughts, and prayers that are keeping me uplifted. I feel my role is to appreciate every moment in response to the universal support you are giving me. [ . . . ] Every visit literally helps save my life and there is nothing more precious than being alive.

Mr. Speaker, I ask the entire House of Representatives to join me in extending our deepest sympathy to Nancy Hatamiya’s beloved husband Lon, her sons Jon and George, her sister Tina Takahashi, her brother John Takahashi, and to all those who were part of her large community of friends. Nancy’s life is one of an accomplished, exceptional citizen. Her passion for public service, her abiding devotion to her community, her love of our country and her service to it, have inspired everyone who knew her. She deepened our patriotism, and made us better individuals because of her shining example of a life lived exceedingly well.

HONORING DR. WILLIAM S. KNOWLES, NOBEL PRIZE WINNING PHYSICIAN FROM CHESTERFIELD, MISSOURI

HON. W. TODD AKIN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. AKIN. Mr. Speaker, I rise today in honor of the late Dr. William S. Knowles.

Dr. Knowles of Chesterfield, MO passed away on June 13 at the age of 95, but not before contributing something of significant value to the world. In the 1960’s Dr. Knowles began working as a chemist at Monsanto Co. in St. Louis. After years of research he and his colleagues were able to formulate a process that produces L-Dopa, a molecule that effectively limits the tremors associated with Parkinson’s disease. For his successful efforts, in 2001 he was awarded the Nobel Prize in chemistry for having opened a completely new field of research.

Though he is no longer with us today, Dr. Knowles’ legacy lives on. With his discovery, the nearly 500,000 Americans who are afflicted with Parkinson’s disease are now able to better treat their symptoms. They and their loved ones are able to live richer, fuller lives than was previously thought possible.

Dr. William Knowles and his research represent the thoughtful innovation that Missouri has to offer the world. His ingenuity and dedication to his field, and the people he has helped, will long be remembered and recognized as an honorable service. It is without question that Dr. Knowles helped make this world a better place. I ask my colleagues to join me in recognition of his contributions.

S GT. WARREN WARREN WATTS TRIBUTE

HON. SCOTT R. TIPTON
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TIPTON. Mr. Speaker, I rise today to recognize Sgt. Warren Watts of Pueblo, Colorado. Sgt. Watts was a highly respected and distinguished 18-year veteran of the Pueblo County Sheriff’s Department, who tragically passed away last Saturday at the age of 53, after falling ill during his routine morning jog.

One of Pueblo County’s finest, Sgt. Watts spent much of his career in patrol and investigations. He was also the commander of the SWAT unit, and served for two years with the Federal Bureau of Investigation’s Joint Terrorism Task Force. After years of outstanding service he was appointed to the position of Inspector of Internal Affairs.

Sgt. Watts was recognized for his professionalism and commitment to the people of Pueblo County when he received the Medal of Valor in 2004. Sgt. Warren Watts’ devotion to his wife of 32 years, Lori,
and father to his daughters, Nicole and Brit
tany.
Mr. Speaker, it is an honor to recognize Sgt. Warren Watts for his great service to the peo
ple of Pueblo County. His loss is mourned by
many and he will be sadly missed.

TRIBUTE TO COLONEL ROBERT D. PETERSON

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the accomplishments of Colonel Robert D. Peterson, an outstanding West Virginian who served in our nation’s military. Col. Peterson is responsible for overseeing the 300 navigable miles of the Ohio River basin. Col. Peterson employs over 800 staff members to maintain 35 reservoirs, and nine locks and dams. I want to personally congratulate Col. Peterson for his continued success. Col. Robert D. Peterson is an outstanding soldier, friend, husband and father. He is a 1985 graduate from the prestigious academy of West Point, graduating with a Bachelors of Science and from the U.S. Army War College with a Master's Degree in Strategic Studies. Col. Peterson was awarded the Bronze Star, three Army Commendation Medals, two Army Achievement Medals, the Armed Forces Expe
ditionary Medal, Master Parachutist Badge, and the Bronze Order of the defFleur Medal. The awards of Col. Peterson are just a frac
tion of what he has truly accomplished. Col. Peterson has successfully managed 35 flood projects that prevented over $11.3 billion in damanges while allowing over 30 million visitors to support these regions. In the Huntington District, he has made the most of 3,000 volun
teers, doing over $2 million worth of service. He has also been responsible for 94 tons of commercial traffic with 35,000 lockages valu
uing at 18.6 billion dollars. He has issued 800 permits for mining, highway construction, flood emergencias, and more. Of these permits he
was responsible for placing the Boy Scout Jamboree within our beautiful state of West Virginia. He has worked and encouraged the support for projects overseas within Afghan
istan and Iraq. Col. Peterson’s efforts have al
lowed these regions to thrive. Col. Peterson’s work has greatly enhanced the state of West Virginia and the world around him. Congratulations to Col. Peterson on his numerous accomplishments.

IN RECOGNITION OF THE INTERNATIONAL SERVICES CENTER OF CLEVELAND

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recog
nize the International Services Center of Cleveland, Ohio, which is observing World Refugee Day on June 20, 2012, with an evening of international food, music, friend
ship, and celebration of all refugees who call Northeast Ohio “home.” The International Services Center (ISC) was founded in 1916. The ISC settles refugees through the U.S. Committee for Refugees and Immigrants (USCRI), of which it is a partner agency. Thousands of refugees are brought to the United States every year because they cannot return to their home countries and do not enjoy basic rights in the countries where they sought refuge. Hundreds are resettleed in Ohio.

The International Services Center helps these refugees integrate quickly into the Greater Cleveland community by providing them with the tools of self-reliance: housing, job placement, employment skills, clothing, medical attention, education, English-language classes, and community orientation. The ISC offers other services as well, including immi
gration consultation and representation, inter
pretation and translation, citizenship prepara
tion, acculturation classes, anti-trafficking, and urban agriculture for entrepreneurship.

The International Services Center has helped resettle 106 refugees in the past year alone. Since the office opened in 1916, more than 13,000 refugees from many countries have embarked on a path to reach their full potential and enjoy safety, security, and a sec
ond chance in life.

World Refugee Day is dedicated to raising awareness of the situation of refugees domes
tically and throughout the world. Refugees are a testament to the United States’ long, proud history as a sanctuary for those who seek lives free from violence and oppression. World Refugee Day is an opportunity for the entire Cleveland-area community to come together to celebrate the contributions of our friends and neighbors who are immigrants and refu
gees who bring great diversity to enrich the Northeast Ohio region.

Mr. Speaker and colleagues, please join me in celebrating World Refugee Day and ac
knowledging the important work of Cleveland’s International Services Center.

PERSONAL EXPLANATION

HON. MARTHA ROBY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mrs. ROBY. Mr. Speaker, on Wednesday, May 30, 2012 and part of the day on Thurs
day, May 31, 2012, I was absent from Wash
ington D.C. due to the funeral of a close friend of the family that I was attending.

If I had been present, I would have voted as the following on May 30, 2012:

- Rollcall 294 on motion to suspend the rules and pass, as amended H.R. 5651, the Pre
scription Drug User Fee Amendment, I would have voted Aye.
- Rollcall 295 on motion to suspend the rules and pass, as amended H.R. 4201, the Serv
icemember Family Protection Act, I would have voted Aye.
- Rollcall 296 on motion to suspend the rules and pass, as amended H.R. 915, the Jamie Zapata Border Enforcement Security Task Force Act, I would have voted Aye.
- Rollcall 297 on ordering the previous ques
tion on H. Res. 667, I would have voted Aye.
- Rollcall 298 on agreeing to H. Res. 667, I would have voted Aye.

RECOGNIZING THE 5TH MARINE REGIMENT

HON. DANIEL WEBSTER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize the 5th Marine Regiment and Regimental Combat Team 5. The 5th Marine Regiment was activated in 1917 during World War I as the United States made preparations for deployment to France, where the Regiment won the moniker the “Fighting Fifth.” The Regiment has served in every major U.S. mili
ty engagement since World War I, most re
cently serving in Iraq and Afghanistan.

The 5th Marine Regiment, deployed to Af
ghanistan in 2011 as Regimental Combat Team 5, has spent the last seven months in southern Helmand province serving in support of Operation Enduring Freedom. Based out of Camp Dwyer, the Marines of Regimental Combat Team 5 are conducting operations and training Afghan forces in the Marjah, Garmis, and Nawzad districts.

As a nation, we are proud of their coura
geous service and selfless dedication to de
fending the ideas that framed our Constitution and continue to sustain our democratic repub
lic. There is no greater debt than that owed by people of this country to those who place their lives on the line for our nation.

Our thoughts and prayers are with Regi
mental Combat Team 5 as they complete their deployment, and with their families as they ea
gerly await the safe return of the brave Ma
rines and sailors.

CAPTAIN STANCIL GEORGE “STAN” JONES

HON. JANICE HAHN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Captain Cpl. George “Stan” Jones who passed away on June 17, 2012. Captain Jones was a Los Angeles Fire Department (LAFD) Captain who served more than 55½ years serving the citizens and the communities of Los Angeles. He was the longest
est serving firefighter in the history of the United States.

The last 37 years of his career were at fire stations serving the communities of San Pedro and Wilmington, where he served at Fire Sta
tions 49, 53, 112 and 38. In his honor, there is a monument outside San Pedro’s Fire Sta
tion 112, where Stan spent many years. The towering column engraved with his picture overlooks the newly named Stancil G. Jones Fire Plaza.
Stan Jones was the second of three children and was born on August 3, 1926 to Sadie and Stancil Jones in Los Angeles. He graduated from Mt. Carmel High School in Los Angeles in 1944. Shortly after graduation, he enlisted in the U.S. Navy. Stan trained as a radar technician and while stationed on Guam Island repaired and refurbished the electronics of many ships. Stan was awarded the World War II Victory Medal, American Area Campaign Medal and the Asiatic-Pacific Area Campaign Medal. Upon his honorable discharge, he returned home and enrolled at Northrop Aeronautical Institute.

He entered the LAFD on November 1, 1948, where he served for 55 1/2 years, a tenure of service unprecedented to this day. He was promoted to Auto-Fireman, Engineer and Fire Captain, attaining 43 years of seniority as a Captain. Stan retired from the LAFD on May 14, 2004.

Stan responded to some of Los Angeles’ most historical fires and disasters, including the 1961 Bel-Air Fire, the Sansinena tanker ship explosion and fire, the Mandeville Canyon Fire, and the Northridge earthquake disaster.

Stan was a caring man actively involved in the raising of his children. He provided support and guidance for all his children, right to the last remaining days of his life. He was also quite the runner, winning events in high school, track, the Firemen’s Olympics and the World Senior Olympics.

I extend my deepest condolences to Stan’s wife, Mary; his sons, Dory, Stancil (George) III, William, Gregory, Jeffery, John and Westie; five daughters, Janine, Mary, Elizabeth, Stacey, and Laura; two step children, Sheila and Rob; and his 40 grandchildren and 11 great-grandchildren.

He will be dearly missed by his family and friends.

TOBYHANNA ARMY DEPOT
HON. LOU BARLETTA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Tobyhanna Army Depot, which will celebrate its 100th anniversary on June 23, 2012.

In the summer of 1912, the Army arrived in Tobyhanna, PA and established a temporary artillery training camp under Major Charles P. Summerall, Commander of the 3rd Field Artillery at Fort Myer, Virginia. Based on the camp’s success, Congress authorized the Army to purchase land to create a permanent camp in 1913. Since then, it has been a military testing facility, a prisoner-of-war camp, and, since 1953, an Army facility that repairs communications equipment for all branches of the military.

Today, Tobyhanna Army Depot is the largest full-service electronics maintenance facility within the U.S. Department of Defense. With a regional economic impact of an estimated $4.4 billion, Tobyhanna is northeastern Pennsylvania’s largest employer with more than 5,400 employees. In addition, Tobyhanna Army Depot employs an additional 300 personnel who permanently work at Forward Repair Activities and its presence alone creates 19,300 regional jobs.

Mr. Speaker, for the last 100 years, the Tobyhanna Army Depot has proudly served the citizens of Northeastern Pennsylvania and the United States. Therefore, I commend the Tobyhanna Army Depot and all those personnel who have faithfully served their community and the country.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT
HON. SANDY ADAMS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Kristopher A. Eagle for achieving the rank of Eagle Scout.

For his Eagle Scout project, Kristopher constructed an encampment to house a monitor lizard for the C.A.R.E Foundation. To fund his project, Kristopher held a car wash, bake sale, and a yard sale, investing a total of 360 hours into the project. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Kristopher has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

ON THE RETIREMENT OF PULASKI TECHNICAL COLLEGE PRESIDENT, DR. DAN F. BAKEE
HON. TIM GRIFFIN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to congratulate the Pulaski Technical College president, Dr. Dan F. Bakee, on the occasion of his retirement and to recognize his contribution to my home state of Arkansas.

In his twelve years at the helm of the college, Dan focused on improving the quality and accessibility of education at Pulaski Tech. When he became president in 2000, Pulaski Tech’s enrollment was only 4,300 students, and, today, as he leaves, the college has an enrollment of nearly 12,000 students.

Not only did he help triple the size of the college’s enrollment, he oversaw its expansion from four locations in Pulaski County to seven locations in Pulaski and Saline Counties.

Through this expansion, Pulaski Tech was able to provide a quality education to thousands who otherwise might not have had the chance to attend college. This is a remarkable accomplishment and one that has had a positive impact on job opportunities across Arkansas.

Additionally, Pulaski Tech is home to the Business and Industry Center, which provides customized training for more than 200 companies in central Arkansas. At this center, students obtain training in cutting-edge industries to become qualified for job opportunities coming online each day.

Pulaski Tech continues to graduate well-prepared and well-educated adults equipped with the skills and knowledge necessary to succeed in today’s job market.

Dan leaves behind a legacy of accomplishment, achievement, and success at Pulaski Technical College along with a record of having improved the lives of thousands of students.

I ask my colleagues to join me in congratulating Dan on his retirement and wishing him and his wife, Jane, well on their new journey.

RECOGNIZING KENNY RICHARDS, RECIPIENT OF THE NATIONAL ZAK HOLLIS YOUTH ACHIEVEMENT AWARD
HON. ADAM SMITH
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Kenny Richards, the 2012 recipient of the national annual Zak Hollis Youth Achievement Award presented by the National Tourette Syndrome Association. The award honors youth who display a great commitment to helping those with Tourette Syndrome (TS) and who have notable achievements in their daily lives.

Kenny, an eighth-grader from Hudtloff Middle School in Lakewood, WA, was recently named the Washington and Oregon representative for the National Tourette Syndrome Association Youth Ambassador Training. Kenny, who lives with TS, visits schools and clubs to teach his peers about the neurological disorder. Kenny also serves as an ambassador for TS by meeting with teachers, school administrators, and Members of Congress, including myself, about policies that would best serve young people with TS.

In addition to serving as an ambassador for young people with Tourette Syndrome, Kenny also advocates for all special-needs children. He understands the challenges of growing up with a special need and wants to make sure that all children are accepted and given an opportunity to thrive.

Because he has the firsthand experience of growing up with a younger brother who is on the autism spectrum, Kenny and his mother started a monthly support group for children with TS and autism. About 25 participants attend monthly to have a safe space to discuss their experiences.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Kenny Richards for winning the Zak Hollis Youth Achievement Award. He is a strong advocate for young people with Tourette Syndrome and special-needs, and a role model for all who strive toward the acceptance of all children.
Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I rise to speak in support of Congressman Walz’s Motion to Instruct Conferees on H.R. 4348, the surface transportation reauthorization bill. This motion would instruct conferees to resolve all issues and file a conference report no later than Friday, June 22nd. June 22nd is exactly 100 days since the Senate passed its bipartisan surface transportation bill by an overwhelming vote of 74–22. As a conferee to the transportation bill, I support this motion as we simply cannot afford to further delay this critical legislation.

This conference process has been bogged down by House GOP conferees, who are obstructing the process and standing in the way of the jobs that would be created by passage of this bill. We are in the height of the summer construction season, and without a transportation bill, we are wasting an opportunity to spur our manufacturing sector and get those in the construction industry back to work.

Mr. Speaker, if House Republican conferees are going to stand in the way of a conference report, I ask that you call up S. 1813, the Senate-passed MAP–2. We do not need another piecemeal extension. We need a comprehensive reauthorization.

IN HONOR OF MARION SANDLER

HON. FORNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. STARK. Mr. Speaker, I rise today to honor the memory of my dear friend, Marion Sandler. A great American, philanthropist, and Democrat; Mrs. Sandler passed away at her home on Friday, June 1, 2012 at the age of 81. She is survived by her devoted husband of 51 years, Herb Sandler, their two children and two grandchildren. Marion’s life exemplified the American dream: working hard, breaking down barriers and climbing the corporate ladder to success, earning the distinction as the first woman to buy my Beacon Savings and Loan in Antioch, CA. Together, Marion and Herb purchased Golden West Savings and Loan. Starting with just two branches and twenty-six employees, the company grew to 11,000 employees and 285 branches. I should have developed a partnership with them when I had the chance.

In the late 1980’s the couple began seeking out philanthropic causes to support. Their search was methodical and they were adamant that the organization they supported was properly run and managed by people who would keep it that way. When they weren’t satisfied with their options, they created their own non-profits. The Sandlers co-founded the American Asthma Foundation, the Center for American Progress, Center for Responsible Lending, ProPublica, and the Sandler Center for Basic Research in Parasitic Disease. They also generously contributed to organizations involved in medical research, the environmental protection, human rights, and civil liberties. Mr. Speaker, I invite my colleagues to join me in remembering Marion Sandler who has contributed so much to helping others through her philanthropy. Hers is a story of breaking down barriers and achieving success in a male dominated industry as well as living up to a high standard of excellence. Mrs. Sandler was a wonderful woman with enormous compassion for those in need. She will be missed.

TRIBUTE TO NICHOLAS KATZENBACH

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. HOLT. Mr. Speaker, I rise to draw the attention of this body to the passing of Nicholas Katzenbach in the past month and to recognize the contribution of one of the most noteworthy public servants of our time. Any one who lived through the 1960’s, the civil rights movement, and the Vietnam era in American politics will remember the name of Nicholas Katzenbach. However, because Nick was more interested in promoting liberty and justice than promoting himself and because he worked to help more famous people succeed—John Kennedy, Bobby Kennedy, Lyndon Johnson, Bill Clinton, among others—many people may not know as much as they should about this great American.

U.S. Attorney General, Under Secretary of State, author of and political strategist for the principal legislation on civil rights, international envoy, decorated war hero and prisoner of war, he was directly involved in many of the major developments and events of our government during the Kennedy and Johnson years. Coming out of a distinguished lineage and an upbringing of privilege and accomplishment—Phillips Exeter, Princeton University, Balliol College on a Rhodes Scholarship, Yale Law School and editor of the Yale Law Journal—he became a forceful advocate for civil and equal opportunity for all Americans and a determined advocate for an anti-imperialist posture with respect to other countries. Anyone who observed Nick’s confrontation with Mississippi Governor Ross Barnett in 1962 to force the enrollment of the first African American James Meredith at Ole Miss or his confrontation with Alabama Governor George Wallace in 1963 to force the enrollment of Vivian Malone and James Hood at the University of Alabama will never doubt his stature, his coolness and courage, and above all his obvious commitment to equal justice under law. In those situations Nick Katzenbach embodied by himself our national dignity and the authority of our government even more than the Federal Marshalls or the National Guard flanking him.

Nick Katzenbach moved in the circles of the most powerful, where he became a master of our governmental mechanisms, yet he never forgot the purpose of power—to realize the hopes and aspirations of the people. In his system of justice, our schools, and our economy weighed on him to the end. He lamented the crass and inglorious behavior that we see in so many public officials. I am sure Nicholas Katzenbach believed that all public officials, of course, should be as dignified, capable, and devoted as he. Mr. Speaker, we should wish it were so.

RUSSIA PNTR

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 20, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to discuss Russia’s accession to the World Trade Organization (WTO) and the case for congressional approval of Permanent Normal Trade Relations (PNTR) with Russia who is set to join the WTO later this summer. As a result of their accession into the WTO Russia will be required to open up its market and comply with the rules and regulations of the WTO. However, the U.S. will not receive any of the economic benefits until Congress approves Permanent Normal Trade Relations (PNTR). Any delay in granting Russia PNTR will cause U.S. employers, workers, farmers, and ranchers to lose ground to their competitors in other countries.

Establishing PNTR will provide a much-needed boost to the U.S. economy, doubling exports to Russia in just five years and helping create jobs across every economic sector
especially in manufacturing, services, and agriculture. With the world’s 9th largest economy, a population of 142 million, and a large and growing middle class, Russia holds outstanding potential for U.S. companies and workers to export more goods and services. My home state of Texas is the top exporter to Russia among U.S. states, with its exports to Russia growing faster than its exports to the rest of the world. Specifically, Texas exported $1.6 billion worth of goods to Russia in 2011, which directly supported an estimated 4,100 jobs.

With those key stats in mind, I’d like to draw attention to some success stories of Texas companies active in the Russian market. First, Atlas Copco Drilling Solutions, based in Garland, exported more than $4 million worth of heavy drilling equipment to customers in the Russia energy sector in 2010. Secondly, ExxonMobil Corporation has partnered with Rosneft, Russia’s largest oil company, to develop oil resources in the Arctic, the Black Sea and Siberia. ExxonMobil also leads the development of the Sakhalin-1 oil and gas field project in Russia’s Far East, where the company has employed its proprietary drilling technology to safely drill to record depths and optimize the project’s output. Lastly, Irving based Fluor Corporation has provided engineering, procurement, and construction management for ExxonMobil’s Sakhalin-1 operations.

Until Congress passes PNTR with Russia, our foreign competitors—but not the United States—will be able to use WTO mechanisms to enforce Russia’s commitments for their companies and workers. PNTR is the only way for Congress to ensure that U.S. companies and workers get equal protection and can lock-in the benefits of Russia’s WTO accession agreement. The bottom line is simple: Russian PNTR will lead to more U.S. exports and more American jobs.
### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 21, 2012 may be found in the Daily Digest of today’s RECORD.

### MEETINGS SCHEDULED

#### JUNE 26

<table>
<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Meeting Type</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 a.m.</td>
<td>Banking, Housing, and Urban Affairs</td>
<td>To hold hearings</td>
<td>To examine empowering and protecting servicemembers, veterans and their families in the consumer financial marketplace, focusing on a status update.</td>
</tr>
<tr>
<td>2:15 p.m.</td>
<td>Foreign Relations</td>
<td>Business meeting</td>
<td>To consider S. 1039, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation.</td>
</tr>
</tbody>
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#### JUNE 27

<table>
<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Meeting Type</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 a.m.</td>
<td>Homeland Security and Governmental Affairs</td>
<td>Business meeting</td>
<td>To consider pending calendar business.</td>
</tr>
<tr>
<td>2:30 p.m.</td>
<td>Intelligence</td>
<td>To hold closed hearings</td>
<td>To examine certain intelligence matters.</td>
</tr>
</tbody>
</table>

#### JUNE 28

<table>
<thead>
<tr>
<th>Time</th>
<th>Committee</th>
<th>Meeting Type</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30 a.m.</td>
<td>Energy and Natural Resources</td>
<td>To hold hearings</td>
<td>To examine S. 1897, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 2158, to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, S. 2229, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, S. 2267, to reauthorize the Hudson Valley National Heritage Area, S. 2277, to designate a mountain in the State of Alaska as Mount Denali, S. 2273, to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station, S. 2286, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 2319, to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the “Thomas P. O’Neill, Jr. Salt Pond Visitor Center”, S. 2324, to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System, S. 2372, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 3300, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and S. 3073, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D-Day.</td>
</tr>
<tr>
<td>10 a.m.</td>
<td>Health, Education, Labor, and Pensions</td>
<td>To hold hearings</td>
<td>To examine creating positive learning environments for all students. Room to be announced</td>
</tr>
<tr>
<td>2:30 p.m.</td>
<td>Intelligence</td>
<td>To hold closed hearings</td>
<td>To examine certain intelligence matters.</td>
</tr>
</tbody>
</table>
Chamber Action

Routine Proceedings, pages S4313–S4377

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 3315–3324, and S. Res. 500–502.

Measures Reported:

S. Res. 385, condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy, and with an amended preamble.

S. Res. 402, 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, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 429, supporting the goals and ideals of World Malaria Day.

S. Res. 473, commending Rotary International and others for their efforts to prevent and eradicate polio.

Measures Passed:

Celebrating the Accomplishments of Title IX: Senate agreed to S. Res. 500, celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls.


150th Anniversary of the Signing of the First Morrill Act: Senate agreed to S. Res. 502, celebrating the 150th anniversary of the signing of the First Morrill Act.

Measures Considered:

Flood Insurance Reform and Modernization Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund.

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 22, 2012.

Boiler MACT/EPA: Committee on Environment and Public Works was discharged from further consideration of the joint resolution pursuant to 5 U.S.C. 802 (c) on June 19, 2012, and Senate began consideration of the motion to proceed to consideration of S.J. Res. 37, to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

During consideration of this measure today, Senate also took the following action:

By 46 yeas to 53 nays (Vote No. 139), Senate did not agree to the motion to proceed to consideration of the joint resolution.

Agriculture Reform, Food, and Jobs Act—Agreement: Senate continued consideration of S. 3240, to reauthorize agricultural programs through 2017, taking action on the following amendments proposed thereto:

Adopted:

Manchin/Ayotte Amendment No. 2345, to require national dietary guidelines for pregnant women and children from birth until the age of 2.

By 63 yeas to 36 nays (Vote No. 140), Merkley Amendment No. 2382, to require the Federal Crop Insurance Corporation to provide crop insurance for organic crops under similar terms and conditions to crop insurance provided for other crops.

Stabenow/Snowe Amendment No. 2453, to provide assistance for certain losses.
By 59 yeas to 40 nays (Vote No. 144), Kerry/Lugar Amendment No. 2454, to prohibit assistance to North Korea under title II of the Food for Peace Act unless the President issues a national interest waiver.

Pages S4338–39

By 77 yeas to 22 nays (Vote No. 146), Udall (CO) Amendment No. 2295, to increase the amounts authorized to be appropriated for the designation of treatment areas.

Pages S4339–40

Warner Modified Amendment No. 2457, to improve access to broadband telecommunication services in rural areas.

Pages S4341–43

Stabenow (for Schumer) Amendment No. 2427, to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities. Page S4344

Wyden Amendment No. 2388, to modify a provision relating to purchases of locally produced foods.

Pages S4344–45

Boozman Amendment No. 2355, to support the dissemination of objective and scholarly agricultural and food law research and information.

Page S4345

Wyden Amendment No. 2442, to establish a pilot loan program to support healthy foods for the hungry.

Pages S4345–46

Leahy Amendment No. 2204, to support the State Rural Development Partnership.

Pages S4346–48

Nelson (NE) Amendment No. 2242, to amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act.

Page S4348

Klobuchar Amendment No. 2299, to require the Secretary of Agriculture and Secretary of Transportation to conduct a study on rural transportation issues.

Page S4350

Stabenow (for Ayotte) Amendment No. 2195, to require a GAO report on crop insurance fraud.

Page S4351

Stabenow (for Blunt) Amendment No. 2246, to assist military veterans in agricultural occupations.

Page S4351

Stabenow (for Moran) Amendment No. 2403, to increase the minimum level of nonemergency food assistance.

Page S4351

Stabenow (for Moran) Amendment No. 2443, to improve farm safety at the local level.

Page S4351

Carper/Boozman Amendment No. 2287, to modify a provision relating to high-priority research and extension initiatives.

Pages S4351–52

Sanders Amendment No. 2254, to improve the community wood energy program.

Pages S4352–53

By 88 yeas to 11 nays (Vote No. 154), Vitter/Blumenthal Modified Amendment No. 2363, to ensure that extras in films and television who bring personal, common domesticated household pets do not face unnecessary regulations and to prohibit attendance at an animal fighting venture. (A unanimous-consent agreement was reached providing that the amendment, having achieved 60 affirmative votes, be agreed to.) Pages S4351, S4353

By 52 yeas to 47 nays (Vote No. 155), Chambliss Amendment No. 2438, to establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program.

Pages S4353–54

By 66 yeas to 33 nays (Vote No. 157), Coburn/Durbin Amendment No. 2439, to limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation.

Pages S4355–56

Chambliss/Isakson Amendment No. 2340, to move the sugar import quota adjustment date forward in the crop year.

Page S4356

Stabenow (for Bennet/Crapo) Amendment No. 2202, to improve agricultural land easements.

Pages S4357–59

Rejected:

By 44 yeas to 55 nays (Vote No. 141), DeMint Amendment No. 2273, to eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunications services in rural areas.

Pages S4335–36

By 30 to 69 nays (Vote No. 142), Coburn Amendment No. 2289, to reduce funding for the market access program and to prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food.

Page S4336

By 43 yeas to 56 nays (Vote No. 145), Kyl Amendment No. 2354, to prohibit assistance to North Korea under title II of the Food for Peace Act.

Page S4339

By 21 yeas to 77 nays (Vote No. 147), Lee Amendment No. 2313, to repeal the forest legacy program.

Pages S4340–41

By 15 yeas to 84 nays (Vote No. 148), Lee Amendment No. 2314, to repeal the conservation stewardship program and the conservation reserve program.

Pages S4343–44

By 35 yeas to 63 nays, 1 responding present (Vote No. 149), Boozman Modified Amendment No. 2360, to provide for emergency food assistance.

Page S4346
By 36 yeas to 63 nays (Vote No. 150), Toomey Amendment No. 2226, to eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance.

By 46 yeas to 53 nays (Vote No. 151), Toomey Amendment No. 2433, to reform the sugar program.

By 29 yeas to 70 nays (Vote No. 152), Lee Motion to Recommit the bill to the Committee on Agriculture, Nutrition and Forestry, with instructions to report the same back to the Senate with a reduction in spending to 2008 levels so that overall spending shall not exceed $714,247,000,000.

By 40 yeas to 59 nays (Vote No. 153), Johnson (WI) Motion to Recommit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition.

By 44 yeas to 55 nays (Vote No. 156), Thune Amendment No. 2437, to limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation.

Chambliss Amendment No. 2432, to repeal mandatory funding for the farmers market and local food promotion program.

A unanimous-consent agreement was reached providing for further consideration of the bill and the votes on the remaining amendments to the bill, at 11 a.m., on Thursday, June 21, 2012.

Nominations Received: Senate received the following nominations:

Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy.

David Masumoto, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

A routine list in the Foreign Service.

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2019, which was sent to the Senate on April 16, 2012.

Messages from the House:

Measures Referred:

Enrolled Bills Presented:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Notices of Intent:

Authorities for Committees to Meet:

Record Votes: Nineteen record votes were taken today. (Total—157)

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:15 p.m., until 10:30 a.m. on Thursday, June 21, 2012. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4377.)

Committee Meetings

(Business not listed did not meet)

INITIAL PUBLIC OFFERING PROCESS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the initial public offering process, focusing on ordinary investors, after receiving testimony from Ann E. Sherman, DePaul University, Chicago, Illinois; Joel H. Trotter, Latham and Watkins LLP, Washington, D.C.; Lise Buyer, Class V Group, LLC, Portola Valley, California; and Ilan Moscovitz, The Motley Fool, Alexandria, Virginia.

COMMERICAL SPACE

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine risks, opportunities, and oversight of commercial space, focusing on industry trends, government challenges, and international competitiveness issues, after receiving testimony from William H. Gerstenmaier, Associate Administrator for Human Exploration and Operations, National Aeronautics and Space Administration; Colonel Pamela Melroy, USAF (Ret.), Director, Field Operations, Federal Aviation Administration Commercial Space
Transportation, Department of Transportation; Gerald L. Dillingham, Director, Physical Infrastructure Issues, Government Accountability Office; Mike N. Gold, Bigelow Aerospace, Chevy Chase, Maryland; and Captain Michael Lopez-Alegria, USN (Ret.), Commercial Spaceflight Federation, Washington, D.C.

PATENT AND TRADEMARK OFFICE

Committee on the Judiciary: Committee concluded an oversight hearing to examine the United States Patent and Trademark Office, focusing on implementation of the Leahy-Smith “America Invents Act” and international harmonizing efforts, after receiving testimony from David J. Kappos, Under Secretary of Commerce for Intellectual Property, and Director, United States Patent and Trademark Office.

HOLOCAUST-ERA CLAIMS IN THE 21ST CENTURY

Committee on the Judiciary: Committee concluded a hearing to examine Holocaust-era claims in the 21st century, including S. 634, to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons, and S. 466, to provide for the restoration of legal rights for claimants under Holocaust-era insurance policies, after receiving testimony from Maryland Delegate Samuel I. Rosenberg, and Leo Bretholz, Coalition for Holocaust Rail Justice, both of Baltimore, Maryland; Edward T. Swaine, George Washington University Law School, Washington, D.C.; J.D. Bindenagel, DePaul University, Chicago, Illinois; and Renee Firestone, Los Angeles, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 5974–5985; and 3 resolutions, H. Res. 694–696 were introduced.

Additional Cosponsors: Pages H3915–16

Reports Filed: Reports were filed today as follows:

H.R. 5972, making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (H. Rept. 112–541);

H.R. 5973, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes (H. Rept. 112–542);

Activities and Summary Report of the Committee on the Budget Third Quarter 112th Congress (H. Rept. 112–543); and

H.R. 4264, to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes (H. Rept. 112–544).

Speaker: Read a letter from the Speaker wherein he appointed Representative McClintock to act as Speaker pro tempore for today.

Recess: The House recessed at 10:12 a.m. and reconvened at 12 noon.

Chaplain: The prayer was offered by the guest chaplain, Reverend Richard Haynes, Salem Missionary Baptist Church, Lilburn, Georgia.

Motion to Instruct Conferees: The House agreed to the Walz (MN) motion to instruct conferees on H.R. 4348 by a yea-and-nay vote of 386 yeas to 34 nays with 1 answering “present,” Roll No. 391. The motion was debated yesterday, June 19th.

Notice of Intent to Offer Motion: Representative Hoyer announced his intent to offer a motion to instruct conferees on H.R. 4348.

Notice of Intent to Offer Motion: Representative Black announced her intent to offer a motion to instruct conferees on H.R. 4348.

Suspension: The House agreed to suspend the rules and pass the following measure:

Food and Drug Administration Safety and Innovation Act: S. 3187, amended, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices and to establish user-fee programs for generic drugs and biosimilars.
Motion to Instruct Conferrees: The House debated the McKinley motion to instruct conferrees on H.R. 4348. Further proceedings were postponed.

Strategic Energy Production Act of 2012: The House began consideration of H.R. 4480, to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve. Further proceedings were postponed.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–24 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill.

Agreed to:

McKinley amendment (No. 5 printed in H. Rept. 112–540) that requires the consultation and input of the National Energy Technology Laboratory (NETL) under the Transportation Fuels Regulatory Committee within Title II of the legislation. NETL will work with the Committee to analyze and report on the impacts of the rules and actions of the EPA on our nation’s gasoline, diesel fuel, and natural gas prices;

McKinley amendment (No. 6 printed in H. Rept. 112–540) that requires under section 203 of the bill to conduct an analysis relating to any other matters that affect the growth, stability, and sustainability of the nation’s oil and gas industries, particularly relating to that of other nations. Requires the Committee to look at the actions, or inactions, of other nations’ regulations, enforcements, and matters relating to the oil and gas industry, and how they have either helped positively or negatively towards the oil and gas industries in those other nations; and

Terry amendment (No. 10 printed in H. Rept. 112–540) that gives the EPA the ability to waive certain fuel requirements in a geographic area, when there is a problem with distribution or delivery of fuel or fuel additives, for a period of 20 days, which could also be extended for another 20 days if the conditions exist. Directs the EPA and Department of Energy to conduct the Fuel Harmonization Study required by the Energy Policy Act of 2005 by June 2014.

Rejected:

Polis amendment (No. 2 printed in H. Rept. 112–540) that sought to exclude hydraulic fracturing activities within 1,000 feet of a primary or secondary school and

Quigley amendment (No. 4 printed in H. Rept. 112–540) that sought to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes.

Proceedings Postponed:

Hastings (WA) Manager’s amendment (No. 1 printed in H. Rept. 112–540) that seeks to make technical corrections, eliminate the designation of the Colville River as an Aquatic Resource of National Importance, and require additional right of ways planned into and out of the National Petroleum Reserve Alaska;

Waxman amendment (No. 7 printed in H. Rept. 112–540) that seeks to provide that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health;

Connolly amendment (No. 8 printed in H. Rept. 112–540) that seeks to define the term “public health” in the Clean Air Act;

Gene Green (TX) amendment (No. 9 printed in H. Rept. 112–540) that seeks to specify that the rules of the bill shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years;

Rush amendment (No. 11 printed in H. Rept. 112–540) that seeks to provide that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years;

Holt amendment (No. 12 printed in H. Rept. 112–540) that seeks to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold;

Connolly amendment (No. 13 printed in H. Rept. 112–540) that seeks to clarify that the section requiring a $5,000 protest fee shall not infringe upon
the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances;

Amodei amendment (No. 14 printed in H. Rept. 112–540) that seeks to prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management (BLM) to the Office of Surface Mining, Reclamation and Enforcement (OSM);

Markey amendment (No. 15 printed in H. Rept. 112–540) that seeks to prohibit oil and gas produced under new leases authorized by this legislation from being exported to foreign countries;

Landry amendment (No. 16 printed in H. Rept. 112–540) that seeks to raise the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from $500 million to $750 million; and

Rigell amendment (No. 17 printed in H. Rept. 112–540) that seeks to require the Secretary of the Interior to include Outer Continental Shelf (OCS) Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations.

H. Res. 691, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 245 yeas to 178 nays, Roll No. 390, after the previous question was ordered by a recorded vote of 242 ayes to 183 noes, Roll No. 389.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

Senate Message: Message received from the Senate today appears on page H3810.

Senate Referral: S. 3314 is held at the desk.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H3822–23, H3823–24, H3824. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:25 p.m.

Committee Meetings

MISCELLANEOUS MEASURE

Committee on Appropriations: Full Committee held a markup of Financial Services Appropriations Bill, FY 2013. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURE

Subcommittee on Interior, Environment, and Related Agencies, markup of Interior, Environment, and Related Agencies Appropriations Bill, FY 2013. The bill was forwarded, without amendment.

ADDRESSING THE IRANIAN NUCLEAR CHALLENGE: UNDERSTANDING THE MILITARY OPTIONS

Committee on Armed Services: Full Committee held a hearing on Addressing the Iranian Nuclear Challenge: Understanding the Military Options. Testimony was heard from public witnesses.

AFGHAN NATIONAL SECURITY FORCES: RESOURCES, STRATEGY, AND TIMETABLE FOR SECURITY LEAD TRANSITIONS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Afghan National Security Forces: Resources, Strategy, and Timetable for Security Lead Transitions. Testimony was heard from David S. Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia; and Major General Stephen Townsend, USA, Director, Pakistan/Afghanistan Coordination Cell, The Joint Staff.

ASSESSING THE CHALLENGES FACING MULTIEMPLOYER PENSION PLANS

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled “Assessing the Challenges Facing Multiemployer Pension Plans”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Full Committee completed markup of H.R. 5859, to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; H.R. 5865, the “American Manufacturing Competitiveness Act of 2012”; H.R. 4273, the “Resolving Environmental and Grid Reliability Conflicts Act of 2012”; H.R. 5892, the “Hydropower Regulatory Efficiency Act of 2012”; H. Con. Res. 127, providing for the acceptance of a statue of Gerald R. Ford from the people of Michigan for placement in the United States Capitol; and Semi-Annual Committee Activity Report. The following measures and report were ordered reported, without amendment: H.R. 5865;
H.R. 5892; H. Con. 127; and the Semi-Annual Committee Activity Report. The following measures were ordered reported, as amended: H.R. 5859 and H.R. 4273.

MARKET STRUCTURE: ENSURING ORDERLY, EFFICIENT, INNOVATIVE AND COMPETITIVE MARKETS FOR ISSUERS AND INVESTORS

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled “Market Structure: Ensuring Orderly, Efficient, Innovative and Competitive Markets for Issuers and Investors”. Testimony was heard from public witnesses.

MORTGAGE DISCLOSURES: HOW DO WE CUT RED TAPE FOR CONSUMERS AND SMALL BUSINESSES

Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled “Mortgage Disclosures: How Do We Cut Red Tape for Consumers and Small Businesses?”. Testimony was heard from public witnesses.

REFLECTIONS ON THE REVOLUTION IN EGYPT, PART II

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing entitled “Reflections on the Revolution in Egypt, Part II”. Testimony was heard from public witnesses.

AFRICAN GROWTH AND OPPORTUNITY ACT: ENSURING SUCCESS


AMERICAN MUSLIM RESPONSE TO HEARINGS ON RADICALIZATION WITHIN THEIR COMMUNITY

Committee on Homeland Security: Full Committee held a hearing entitled “The American Muslim Response to Hearings on Radicalization within their Community”. Testimony was heard from public witnesses.

DRUG ENFORCEMENT ADMINISTRATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled “The Drug Enforcement Administration”. Testimony was heard from Michele M. Leonhart, Administrator, Drug Enforcement Administration, Department of Justice.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 2899, the “Chinese Media Reciprocity Act of 2011”. Testimony was heard from Representative Rohrabacher; and public witnesses.

MISCELLANEOUS MEASURE

Committee on Oversight and Government Reform: Full Committee held a markup to consider a report holding Attorney General Eric Holder in contempt of Congress for his failure to produce documents specified in the Committee's October 12, 2011 subpoena. The report of contempt was ordered reported, as amended.

EXAMINING PRIORITIES AND EFFECTIVENESS OF THE NATION'S SCIENCE POLICIES

Committee on Science, Space, and Technology: Full Committee held a hearing entitled “Examining Priorities and Effectiveness of the Nation's Science Policies”. Testimony was heard from John P. Holdren, Assistant to the President for Science and Technology and Director, Office of Science and Technology Policy.

LEGISLATIVE MEASURES

Committee on Veterans’ Affairs: Subcommittee on Oversight and Investigations held a hearing on the following measures: H.R. 2985, the “Veteran's I.D. Card Act”; H.R. 3730, the “Veterans Data Breach Timely Notification Act”; H.R. 4481, the “Veterans Affairs Employee Accountability Act”; and H.R. 5948 the, “Veterans Fiduciary Reform Act of 2012”. Testimony was heard from Representative Akin; Dave McLenachen, Director of Pension and Fiduciary Service, Department of Veterans Affairs; and public witnesses.

RUSSIA'S ACCESSION TO THE WORLD TRADE ORGANIZATION AND GRANTING RUSSIA PERMANENT NORMAL TRADE RELATIONS

Committee on Ways and Means: Full Committee held a hearing entitled “Russia's Accession to the World Trade Organization and Granting Russia Permanent Normal Trade Relations”. Testimony was heard from Ambassador Ron Kirk, United States Trade Representative; Ambassador William Burns, Deputy Secretary, United States Department of State; and public witnesses.

Joint Meetings

No joint committee meetings were held.
COMMITTEE MEETINGS FOR THURSDAY, JUNE 21, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine Department of Defense programs and policies to support military families with special needs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, 2:30 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine perspectives on money market mutual fund reforms, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration, Department of Transportation, 10 a.m., SR–253.

Committee on Environment and Public Works: business meeting to consider H.R. 1160, to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, S. 1324, to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, S. 1201, to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, S. 2018, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, S. 3264, to amend the Federal Water Pollution Control Act to authorize the Lake Pontchartrain Basin Restoration Program, S. 2104, to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act, S. 3304, to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the “William Jefferson Clinton Federal Building”, to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the “George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building”, and to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the “Eliot Ness ATF Building”, H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the “Alto Lee Adams, Sr., United States Courthouse”, S. 3311, to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the “James F. Battin United States Courthouse”, the nominations of Allison M. Macfarlane, of Maryland, and Kristine L. Svinicki, of Virginia, both to be a Member of the Nuclear Regulatory Commission, and a proposed resolution relating to the General Services Administration, Time to be announced, Room to be announced.

Committee on Finance: to hold hearings to examine Russia’s World Trade Organization (WTO) accession, focusing on the Administration’s views on the implications for the United States, 9:45 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine implementation of the New Start Treaty, and related matters, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine an update on Olmstead enforcement, focusing on using the Americans with Disabilities Act (ADA) to promote community integration, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Katherine C. Tobin, of New York, and James C. Miller III, of Virginia, both to be a Governor of the United States Postal Service, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine security clearance reform, focusing on sustaining progress for the future, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 250, to protect crime victims’ rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, S. 285, for the relief of Sopuruchi Chukwuoke, S. 1744, to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons, and the nominations of Brian J. Davis, to be United States District Judge for the Middle District of Florida, Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, to be United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, Grande Lumm, of California, to be Director, Community Relations Service, and Jamie A. Hainsworth, to be United States Marshal for the District of Rhode Island, John S. Leonardo, to be United States Attorney for the District of Arizona, Patrick A. Miles, Jr., to be United States Attorney for the Western District of Michigan, and Danny Chappelle Williams, Sr., to be United States Attorney for the Northern District of Oklahoma, all of the Department of Justice, 10 a.m., SD–226.
Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the Universal Music Group/EMI merger and the future of online music, 1:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

**House**


Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled “Safe and Fair Supervision of Money Services Businesses”, 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight Investigations and Management, hearing entitled “U.S.-Caribbean Border: Open Road for Drug Traffickers and Terrorists”, 9 a.m., 311 Cannon.

Committee on Rules, Full Committee, hearing on H.R. 5972, the “Departments of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2013”; and H.R. 5973, the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2013”, 11 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Energy and Environment, hearing entitled “Department of Energy User Facilities: Utilizing the Tools of Science to Drive Innovation through Fundamental Research”, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations, Oversight and Regulations, hearing entitled “Small Business Lending: Perspectives from the Private Sector”, 10 a.m., 2360 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Economic Opportunity, hearing on the following measures: H.R. 4115, the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2012”; H.R. 4740, the “Fairness for Military Homeowners Act of 2012”; H.R. 3860, the “Help Veterans Return to Work Act”; and H.R. 5747, the “Military Family Home Protection Act”, 10 a.m., 334 Cannon.


House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 9 a.m., HVC–304, Capitol. This is a closed hearing.
Next Meeting of the SENATE
10:30 a.m., Thursday, June 21

Senate Chamber
Program for Thursday: The Majority Leader will be recognized. At 11 a.m., Senate will continue consideration of S. 3240, Agriculture Reform, Food, and Jobs Act and resume votes on or in relation to the remaining amendments and final passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Thursday, June 21

House Chamber

Extensions of Remarks, as inserted in this issue

HOUSE
Adams, Sandy, Fla., E1097
Akin, W. Todd, Mo., E1095
Barletta, Lou, Pa., E1097
Base, Karen, Calif., E1094
Brady, Robert A., Pa., E1094
Capito, Shelley Moore, W.Va., E1096
Carfano, Dennis A., Calif., E1089
Cicilline, David N., R.I., E1089
Clyburn, James E., S.C., E1091
Coffman, Mike, Colo., E1094
Duncan, John J., Tenn., E1091
Ehoo, Anna G., Calif., E1095
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