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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOMACK).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 19, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

END THE WAR IN AFGHANISTAN

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

Mr. MCGOVERN. Mr. Speaker, for several years now I have come to the floor of the House and called for an end to the war in Afghanistan, the longest war in the history of the United States. I have been joined by others—some Democrats, some Republicans, some liberals, some conservatives—who have consistently raised their voices in opposition to the war.

Today, once again, I stand here in the aftermath of more senseless killings of Americans, not only by Taliban forces, but by forces associated with the Afghan Government—a government we support and are told to trust.

It is hard to believe that in the midst of a Presidential campaign so little is being said about the war. During the Republican National Convention, nominee Mitt Romney never once mentioned the war or the troops in his acceptance speech—not even a sentence, not a phrase, nothing. As one who has been to Afghanistan twice, met with our troops, talked to returning veterans and been to visit them in the hospital, I find that silence shocking and offensive.

I also find offensive the fact that this House of Representatives has refused to even debate this issue. When the Department of Defense authorization bill came to the floor earlier this year, the Republican leadership of this House refused to allow a bipartisan amendment that I and WALTER JONES of North Carolina offered. That amendment called for an accelerated withdrawal of American forces from Afghanistan. The chairman of the Rules Committee at the time said there were a lot of other important issues to be debated on the defense bill. My question is: What in the world is more important than this war?

The Afghan Government is one of the most corrupt in the world. Our troops have already accomplished their mission, not only ridding Afghanistan of al Qaeda, but killing Osama bin Laden. By the way, they got him in Pakistan, not Afghanistan. So why are we still there?

There is a culture in Washington that engulfs both Republicans and Democrats; it is a culture that makes it easy to go to war but impossible to get out.

There is no question that ending the war in Afghanistan will be messy; there is no nice, neat way to do it. There will be no signing of a peace treaty, no grand parade.

The President tells us that we will turn over control of security operations to the Afghans by 2014, but it is unclear how many U.S. forces will remain or what their role will be.

And Mitt Romney says nothing.

Mr. Speaker, there ought to be a major portion of this Presidential campaign dedicated to the issue of Afghanistan. Vague deadlines or generalities no longer suffice. Too many brave American service men and women have paid with their lives. And while candidates talk about the debt our government carries, no one points out that we borrow the billions to pay for this war. We don't even pay for it; it goes on the credit card. And we've been doing this for over a decade in this Congress. We can't spend one additional penny to feed hungry children or create a single job or build a single bridge without finding an offset; yet when it comes to war, there are no offsets, no new revenue, just another blank check. Something is terribly wrong with this picture.

Finally, I would remind my colleagues here in the House that we are all responsible for this war, and we are complicit in the silence, lack of debate, and lack of oversight. That is wrong. We owe our service men and women so much better. We owe this country better.

End the war and bring our troops home now.

CONGRATULATING NATIONAL HISPANA LEADERSHIP INSTITUTE ON THE CELEBRATION OF 25TH ANNIVERSARY

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

Ms. ROYBAL-ALLARD. Mr. Speaker, as we celebrate Hispanic Heritage

Month, I rise to pay tribute to the National Hispana Leadership Institute. Later this year, NHLI alumnae will gather in Washington, D.C., to celebrate the 25th anniversary of the founding of this nationally recognized leadership development institute.

A national Latina organization based in Washington, D.C., NHLI was founded in 1987 in response to the U.S. Department of Labor's Glass Ceiling Initiative. This seminal study found that while minorities and women were making substantial gains in entering the workforce, they were not equally represented at mid and senior level management positions in government or corporate sectors. The study also found that Latinas were significantly underrepresented on corporate boards and in nonprofit and political arenas.

Over the past 25 years, NHLI has become a vital resource for Latinas and a key player in cultivating Latina leaders serving America today. In partnership with Harvard University and the Center for Creative Leadership, NHLI graduates have become a formidable cadre of well-educated, highly skilled, and committed Latina leaders. They are a veritable ''who's who'' in many communities and disciplines, and the impact of their collective leadership is felt throughout the country.

Through various mentoring initiatives and community service projects, NHLI alumnae have directly impacted thousands of Latinas in every State and in Puerto Rico. Its network and leadership projects have helped create new nonprofit organizations and influenced various others, including: The National Latino Children's Institute, Voto Latino, Powerful Latinas, Las Comadres, Positive Directions, Latina Giving Circle, and Poder PAC, to name a few.

Finally, I would be remiss if I did not mention the founders of this great organization. This prestigious group includes Maria Elena Torano, the Honorable Maria Antonietta Berriozabal, the Honorable Ramona Martinez, Gloria Rodrigues, the Honorable Raul Yzaguirre, and former Governor Bill Richardson. Through their vision and leadership, NHLI's programs have become the model for Latina empowerment in this country.

Again, my sincere congratulations to the National Hispana Leadership Institute on the celebration of their 25th anniversary.

VOTER SUPPRESSION

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

Mr. REYES. Mr. Speaker, I rise this morning to try to lend a little bit of perspective on a strategy that we have seen evolving across our country, and that strategy I think threatens to undermine one of the most basic rights and principles that we have as United States citizens, and that is the right to vote.

Unfortunately, in many States—my State included, in Texas—there's a strategy to pass what is called a voter identification law, seeking to solve a problem that apparently across the country does not exist, and that is people voting that don't have that right, and trying to give the impression that this problem is prevalent throughout our country.

As we look back at our history, I think we should all be proud of the significant strides in increasing and strengthening the electoral process for all. Let's not forget that originally, under our Constitution, only white males over the age of 21 were eligible to vote. It took several amendments to our Constitution to fully extend this right to all minorities—women and young people ages 18 and older.

□ 1210

But it took us even longer, it appears, given the current situation, to live up to these ideals.

As a child growing up in El Paso on a farm, I can remember my father talking to us about that sacred right to participate and to vote.

Here is a poll tax that was charged for that right back in 1955, made out to my dad. Back then it was $1.75. Today, under the current strategy, that, the equivalent of this poll tax, could be as much as $20, $25, or $30 for an identification card.

So who does that hurt? Who does that impact the most? It's the elderly, it's the young people, and it's minorities.

And while some people may think, well, $1.75, that wasn't much to pay for the right to vote or, today, $20, $25, $30 isn't that much to exercise the privilege of voting, the fundamental issue here is that that is an inherent right guaranteed by our Constitution.

But even if we wanted to look at it from an economic standpoint, in 2012 dollars, here is what that $1.75 poll tax bought back in 1955. A gallon of milk was 88 cents; bread, 15 cents; chicken, 44 cents a pound; cheese, 45 cents, and so on so that for a man and his spouse, paying two poll taxes, it would be $3.50. This is what they would have spent that money on, and often did, rather than paying a poll tax of $1.75.

Today, the milk is $1.99; bread is $1.99; chicken, 99 cents a pound; cheese, $2.50, to the point to where, for paying one poll tax or one identification card, you could get these comparative amounts of groceries.

So the fundamental question we must ask ourselves when people talk about taking our country back, when people talk about the right to vote, these are the kinds of issues that impact us. These are the kinds of things that throughout our history many of us have fought to protect the rights of all citizens to participate in the electoral process, fundamentally guaranteed under our Constitution.

While I understand the intent of these laws, it is designed to supposedly prevent voter fraud and impersonation, the result affects individual participation in the inherent right to vote: requiring an ID, and considering the difficulties that citizens face in the process of acquiring those State-issued identification cards, which ultimately undermines the right to vote.

This is a serious issue. All of us who teach our children and our grandchildren that the most fundamental right to participate is protected by our Constitution have to remind them. I know I have talked to my children and have shown them this poll tax to remind them that freedom is not free, that people must understand their obligations as citizens.

THE DO-NOTHING CONGRESS

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

Mr. COURTNEY. Mr. Speaker, one of the great football coaches in American history was Vince Lombardi, from Green Bay, Wisconsin, who, again, was very famous for his inspiring speeches to his players and to his staff. And one of his most famous quotes was:

Winners never quit and quitters never win.

I wish, Mr. Speaker, that the Republican leadership in the House would go back and read Mr. Lombardi's words when they made the decision this past Friday to basically quit on the American people and say that we are going to recess this week after conclusion of business on Friday for the next 7 weeks.

This is at a time when not only the eyes of the country are on this Chamber to get much needed critical decisions made; but, frankly, the eyes of the world are watching this Congress to see whether or not, again, financial markets will have any horizon in terms of tax policy, in terms of budget policy, and in terms of a whole host of basic fundamental issues like the farm bill, like the post office functioning that, when on Friday, this place clears out after Mr. BOEHNER's decision to recess, are going to be left hanging for the next 7 weeks.

Again, this is not a problem for the House in terms of inaction by the Senate. The Senate passed a farm bill. They passed a bipartisan farm bill last June; and today we stand here with farmers who are getting up in the morning and going out and milking cows or picking crops, and they have programs which literally are expiring every minute. The Dairy Price Support programs expired on August 30, so dairy farmers up in eastern Connecticut, where I come from, whose feed costs are out of sight and whose fuel costs are out of sight, again, have absolutely no structure and no basic understanding of how they are going to continue to survive, because this place won't move forward on a farm bill with the dairy support structure, the Dairy

Security Act, which was built in by the Senate with the bill that they passed.

Again, the Senate has acted; the Senate passed a bill. They have a bill which extends crop insurance for 5 years. So for all those farmers out in the Midwest who have seen their corn crops literally burn up in a historic drought, the fact of the matter is they have absolutely no idea about what the future holds because this Chamber will not take up a farm bill and do its constitutional duty and get its work done.

Again, the post office, which fell into not just technical but actual real bankruptcy a month ago because of the structure of its pension costs, the Senate has passed a postal reform bill which adjusts the finances of that system, again, with bipartisan support and will allow the postal service to have some confidence that its operations and its post offices around the country can have some modicum of a future. This Chamber will not take up a postal reform bill between now and this Friday or for the following 7 weeks.

These are just two basic, sort of fundamental, programs which, in the past, Congress has done on a bipartisan basis without any of the drama and stress that the Speaker's decision to quit, to use Coach Lombardi's phraseology, is now creating. There are much larger issues, of course, which everyone is waiting for this Congress to act on.

Sequestration: I have shipyard workers in Groton, Connecticut, who get up every morning to build nuclear submarines. They don't know whether or not on January 1, whether the chain saw set up in the sequestration mechanism is going to go through the defense budget.

We have a fiscal cliff whereby middle class families don't know what their tax rates are going to be after January. We have physician fees under the Medicare program which, again, fall off a cliff on January 1.

With all of these issues hanging out there, we still, though, have a Republican leadership in the House which has made the decision to go home on Friday for the next 7 weeks.

Again, Coach Lombardi had it right: winners never quit and quitters never win. This leadership is quitting, not only on the Members that are prepared to roll up their sleeves and compromise and do hard work to get measures like the farm bill and the postal bill and budget policy settled once and for all. They are quitting on the American people. That is unacceptable leadership for the trust, the public trust with which they have been given.

This morning's New York Times has a story: ''Congress Nearing the End of a Session Where Partisan Input Impeded Output,'' and they show the numbers that this is the least productive Congress in a century.

Back when Harry Truman was President, he campaigned against the donothing Congress. That Congress enacted 906 bills in the 2 years during which it was convened. As of this week, this Congress has enacted 173, a quarter of the do-nothing Congress which Harry Truman made infamous and famous in American history.

We can do better as a Nation. We can get a farm bill passed. We can pass a postal reform bill which will keep that system alive. We can do budget policy. We can create a horizon for this country, which the American people sent us here to do, not go home and campaign.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

We pray this day, O Lord, for peace in our world, that freedom will flourish and righteousness will be done.

The attention of our Nation is drawn toward an impending election, but there is work yet to be done.

Send Your spirit upon the Members of this people's House that they might judiciously balance seemingly irreconcilable interests. Help them to execute their consciences and judgments with clarity and purity of heart so that all might stand before You honestly and trust that You can bring forth righteous fruits from their labors.

Bless this day and every day, and may all that is done be for Your greater honor and glory.

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 Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH 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.

ANNOUNCEMENT BY THE SPEAKER

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

BRING OUR TROOPS HOME IN 2013

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

Mr. JONES. Mr. Speaker, today I had the privilege and honor to visit Walter Reed Hospital to say thank you to our wounded from Afghanistan and Iraq, and I saw those who have lost both arms and legs. It's just so sad to go there.

That brings me today to the floor to thank the chairman of the Armed Services Appropriations Committee, C.W. ''Bill'' Young, who has come out and said it's time to bring our troops home from Afghanistan, and I quote:

I think we should remove ourselves from Afghanistan as quickly as we can.

Mr. Speaker, that brings me to a couple of comments. I called a former commandant of the Marine Corps 3 years ago and asked him to advise me on Afghanistan, and he has, and he has been very loyal. I want to read his comments:

I am more convinced than ever that we need to get out of Afghanistan. When our ''friends'' turn out to be our ''enemy,'' it is time to pull the plug. We are now nothing more than a recruiting poster for every malcontent in the Middle East. We need to wake up.

I would say to the Speaker, I would say to the leadership of the Republican Party, join us in bringing our troops home in the year 2013. No more should die for a lost cause like Afghanistan.

GENETICALLY MODIFIED ORGANISMS

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

Mr. KUCINICH. Mr. Speaker, in 1992, the Food and Drug Administration decided that genetically modified organisms were the functional equivalent of conventional foods.

They arrived at this decision without testing GMOs for allergenicity, toxicity, antibiotic resistance, and functional characteristics. As a result, hundreds of millions of acres of GMO crops were planted in America without the knowledge or consent of the American people, no safety testing, no long-term health studies.

The FDA has received over a million comments from citizens demanding labeling of GMOs. Ninety percent of Americans agree.

Why no labeling? I'll give you one reason. The influence and the corruption of the political process by Monsanto. Monsanto has been a prime mover in GMO technology, a multimillion dollar GMO lobby here and a major political contributor. There is a chance that Monsanto's grip will be

broken in California, where a GMO labeling initiative is on the ballot. Here in Congress my legislation, H.R. 3553, will provide for a national labeling bill.

Americans have a right to know if their food is genetically engineered. It's time for labeling. It's time for people to know how their food is being produced.

TIME FOR A DIVORCE WITH PAKISTAN

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

Mr. POE of Texas. Mr. Speaker, the United States granted Pakistan major non-NATO ally status to help us fight al Qaeda and the Taliban. This status gives special foreign aid and defense benefits such as an expedited arms sales process. But Pakistan has proved it's no friend to America.

Pakistan said ''no'' when we asked it to go after the terrorist havens. Pakistan twice tipped off terrorists making IEDs that kill Americans. Pakistan's intelligence arm, the ISI, helped the Haqqani network, a designated foreign terrorist organization, to attack our embassy. Pakistan arrested and convicted the doctor who helped us locate Osama bin Laden, the world's number one terrorist.

I believe some of the money that we have given them goes to the Taliban, but Pakistan has given us no reason to trust them. They are a disloyal ally, a Benedict Arnold friend.

I've introduced H.R. 6391 to strip Pakistan of its major non-NATO ally status. We don't need to pay Pakistan to betray us. They will do it for free.

Time for a divorce with Pakistan.

And that's just the way it is.

FOUR STRAIGHT YEARS OF TRILLION DOLLARS DEFICITS

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

Ms. FOXX. Mr. Speaker, the President has burdened the Nation with 4 straight years of trillion dollar deficits and has added more than $5 trillion to our national defense. His failed policies have done nothing but make our economy worse. Now he wants to turn our debt crisis into a defense crisis. The President's own Secretary of Defense has said the looming half-trillion dollars in defense cuts would ''hollow out the force and inflict severe damage to our national defense.''

So far the President has refused to offer any alternatives whatever. House Republicans remain committed to slashing spending and reducing the deficit but not by arbitrarily cutting funding that supports our troops and their families. That's why we passed specific, commonsense reforms to replace these dangerous cuts.

It's time for the President to help us rescue our Nation's defenders from these imminent cuts before they take effect and our national security is further compromised.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

ENDANGERED FISH RECOVERY PROGRAMS EXTENSION ACT OF 2012

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6060) to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6060

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 ''Endangered Fish Recovery Programs Extension Act of 2012''.

SEC. 2. EXTENSIONS OF AUTHORITY UNDER PUBLIC LAW 106–392; REPORT.

Section 3(d)(2) of Public Law 106–392 is amended—

(1) by striking ''2011'' each place it appears and inserting ''2019'';

(2) by striking ''2008'' and inserting ''2018''; and

(3) by inserting before ''Nothing in this Act'' the following: ''Such report shall also describe the Recovery Implementation Programs actions and accomplishments to date, the status of the endangered species of fish and projected dates for downlisting and delisting under the Endangered Species Act of 1973, and the utilization of power revenues for annual base funding.''.

SEC. 3. INDIRECT COST RECOVERY RATE FOR RECOVERY PROGRAMS.

Section 3 of Public Law 106–392 is amended by adding at the end the following new subsection:

''(i) LIMITATION ON INDIRECT COST RECOVERY RATE.—The indirect cost recovery rate for any transfer of funds to the U.S. Fish and Wildlife Service from another Federal agency for the purpose of funding any activity associated with the Upper Colorado River Endangered Fish Recovery Program or the San Juan River Basin Recovery Implementation Program shall not exceed three percent of the funds transferred. In the case of a transfer of funds for the purpose of funding activities under both programs, the limitation shall be applied to the funding amount for each program and may not be allocated unequally to either program, even if the average aggregate indirect cost recovery rate would not exceed three percent.''.

SEC. 4. LIMITATION ON TRAVEL FOR ADVOCACY PURPOSES.

At the end of Public Law 106–392, add the following new section:

''SEC. 5. LIMITATION ON TRAVEL FOR ADVOCACY PURPOSES.

''No Federal funds may be used to cover any expenses incurred by an employee or detailee of the Department of the Interior to travel to any location (other than the field office to which that individual is otherwise assigned) to advocate, lobby, or attend meetings that advocate or lobby for the Recovery Implementation Programs.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

This is a good bill. It's got a great sponsor. Everyone should vote for it.

I reserve the balance of my time.

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

H.R. 6060 authorizes the use of power revenues to fund two recovery programs in the Upper Colorado and San Juan Rivers. Since 2011, Reclamation has continued to fund these programs at a cost of about $3 million annually, using its existing authority.

We support the intent of H.R. 6060 to recover listed species while allowing water and power operations to continue. We share the administration's commitment to this program. We also welcome the majority's recognition that compliance with the Endangered Species Act does not mean that water and power projects in the West go dry or go dark. This program provides ESA compliance for 2,320 water projects. These projects deliver more than 3.7 million acre-feet of water per year to Wyoming, Utah, Colorado, Arizona, and New Mexico.

We are concerned, however, that the Republican rules only allow for the reauthorization of this program to 2019 versus the original goal of 2023. While we agree this legislation should move, it should be clear that, at least on our side of the aisle, our commitment to this program through 2023 has not changed.

I reserve the balance of my time.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to my colleague who shares a border with me in our districts, the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. I thank Chairman BISHOP for yielding. Chairman BISHOP, I would also like to thank you for your leadership in leading the efforts on this important piece of legislation.

The Upper Colorado and San Juan River Basins provide key water and

power resources in the Third Congressional District of Colorado and other districts in Colorado, Wyoming, Utah, Arizona, and New Mexico. These rivers are also home to four native fish species at risk of a ''jeopardy'' finding under the Endangered Species Act. Such a finding would impose on western constituents dramatic losses in water availability and hydropower reduction, resulting in lost jobs and increased power rates at a time when we can least afford it.

The Endangered Fish Recovery Act of 2012 extending the authorization for the Upper Colorado and San Juan Fish Recovery Implementation programs will continue necessary efforts to recover four endangered fish species and provide compliance for Federal, tribal, and non-Federal water projects. These programs are supported by a broad swath of stakeholders, from local towns and counties to environmental groups and private industry, and are excellent examples of local solutions in lieu of onerous Federal management and overregulation.

I'm also pleased to see the cost reforms in this extended authorization. H.R. 6060 limits overhead to 3 percent and prohibits Federal employees from traveling to Washington, D.C., to lobby for their programs—activities well beyond the bounds of their purview. These cost savings and their measures will allow for greater allocation of resources to species recovery.

I'm optimistic that these programs can reach their goals in the coming year, recover the species in jeopardy, and safeguard the economic well-being of our communities, jobs, and everything connected with these efforts.

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

Mr. BISHOP of Utah. I think some of my staff thought I should be a little bit more expansive in my remarks. So this is a really good bill with a really good sponsor.

Actually, this is one of those things where the nice part is, for this mitigation plan that will allow these projects to go forward, taxpayers are paying no money. It's paid by the utility ratepayers of this particular area. If this is not reauthorized, it may put that part in jeopardy. And we did put some guidelines in there to protect so that the overhead that can be charged to the utility ratepayers has a potential limit on it.

It's a good bill. With that, I urge its adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 6060.

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

A motion to reconsider was laid on the table.

MESCALERO APACHE TRIBE LEASING AUTHORIZATION ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1461) to authorize the Mescalero Apache Tribe to lease adjudicated water rights, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1461

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 ''Mescalero Apache Tribe Leasing Authorization Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADJUDICATED WATER RIGHTS.—The term ''adjudicated water rights'' means water rights that were adjudicated to the Tribe in State v. Lewis, 116 N.M. 194, 861 P. 2d 235 (1993).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of New Mexico.

(4) TRIBE.—The term ''Tribe'' means the Mescalero Apache Tribe.

SEC. 3. AUTHORIZATION TO LEASE ADJUDICATED WATER RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsections (b) and (c), the Tribe may lease, enter into a contract with respect to, or otherwise transfer to another party, for another purpose, or to another place of use in the State, all or any portion of the adjudicated water rights.

(b) STATE LAW.—In carrying out any action under subsection (a), the Tribe shall comply with all laws (including regulations) of the State with respect to the leasing or transfer of water rights.

(c) ALIENATION; MAXIMUM TERM.—

(1) ALIENATION.—The Tribe shall not permanently alienate any adjudicated water rights.

(2) MAXIMUM TERM.—The term of any water use lease, contract, or other agreement under this section (including a renewal of such an agreement) shall be not more than 99 years.

(d) LIABILITY.—The Secretary shall not be liable to the Tribe or any other person for any loss or other detriment resulting from a lease, contract, or other arrangement entered into pursuant to this section.

(e) PURCHASES OR GRANTS OF LAND FROM INDIANS.—The authorization provided by this Act for the leasing, contracting, and transfer of the adjudicated water rights shall be considered to satisfy any requirement for authorization of the action by treaty or convention imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(f) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the adjudicated water rights by a lessee or contractor shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the adjudicated water rights.

(g) APPLICABILITY.—This Act shall not apply to leasing, contracting, or transfer of the adjudicated water rights on the Tribe's reservation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield such time as he may consume to the author of this particular bill, who does a great job in representing his constituents—and this is one of those examples—the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. This bill is straightforward and simple. It allows the Mescalero Apache Indian Tribe to permit or lease or transfer their water rights for a term up to 99 years. The courts decided that they would have these rights back in 1993, but we need the legislation that would permit it. This effort is bipartisan. It's even pursued in both the House and the Senate—Senator BINGAMAN has a bill—so it's noncontroversial. It simply does the right thing. It's important. It allows the tribe self-determination and it also gives them economic opportunities. The leasing of the water rights will provide them with revenues that they desperately need.

It's for the best interest of all New Mexicans. During this current drought, water is of scarce supply in New Mexico, and this would allow the tribe to lease water to communities that are desperately needing water at this point. It's important to the tribes. It's important to New Mexico.

I recommend that all vote for H.R. 1461, and urge its passage.

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

Mr. Speaker, I rise in support of H.R. 1461, legislation that would authorize the Mescalero Apache Tribe of New Mexico to lease its adjudicated and quantified water rights for up to 99 years, pursuant to State law.

There is a tremendous need for water in south central New Mexico among the Mescalero Apache Tribe's non-Indian neighbors. The tribe has approximately 2,300 acre-feet of water to meet this need, which it is ready to lease to the surrounding communities. Revenue generated by such leasing would be used to fund basic tribal government services such as a senior care center, infrastructure development, and academic scholarships.

Because the tribe's water rights were quantified by adjudication, legislation is necessary to authorize the tribe to lease its water. H.R. 1416 provides this simple authorization that would not only make the tribe's valuable resource available to those in need, but also give the tribe a much-needed source of additional government revenue.

During the subcommittee hearing on the bill the administration expressed concern that H.R. 1461 did not limit tribal authority for leasing water to off-reservation locations and that such a clarification was needed to prevent

possible application of State law to on-reservation water leases. Committee staff worked together to amend H.R. 1461 to clarify that the tribe's authorities are limited to off-reservation water leases. The tribe can now be assured that State law will never apply to on-reservation water leases, pursuant to H.R. 1461.

Mr. Speaker, we support H.R. 1461, and I reserve the balance of my time.

□ 1420

Mr. BISHOP of Utah. Could I inquire if my colleague has any other speakers?

Mr. GRIJALVA. No, I don't, Mr. Chairman.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, this is one of those bills where the minority and the majority have worked with the tribe to clarify. This applies to off-reservation water, their leasing authority. If the tribe still stays in place, it's intact. It's a technical amendment that has been cleared by all interested parties and moves us forward.

I urge its adoption, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 1461, 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.

ALLOWING PASCUA YAQUI TRIBE TO DETERMINE REQUIREMENTS FOR MEMBERSHIP

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3319) to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3319

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

SECTION 1. REQUIREMENTS FOR MEMBERSHIP DETERMINED BY TRIBE.

Section 3 of Public Law 95–375 (25 U.S.C. 1300f–2) is amended to read as follows:

''SEC. 3. For the purposes of section 1 of this Act, membership of the Pascua Yaqui Tribe shall consist of any United States citizen of Pascua Yaqui blood enrolled by the tribe.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, since I doubt very seriously if I can get through any kind of statement and say ''Pascua Yaqui'' Tribe accurately, it would be my intent, if I could, to yield 10 minutes to the gentleman from Arizona to explain his bill. It's a good bill, we support it, and he can say it properly.

I reserve the balance of my time.

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

I appreciate Chairman BISHOP's indulgence at this point.

Mr. Speaker, I rise in support of H.R. 3319, a bill that would authorize the Pascua Yaqui Tribe to set its own membership criteria by replacing congressionally mandated criteria that artificially limited enrollment to certain Yaqui people based on application deadlines and other requirements that do not reflect tribal input.

H.R. 3319 reflects the modern congressional policy of allowing federally recognized tribes to set their own membership criteria. The bill eliminates current membership requirements imposed by statute and replaces them with a requirement that members possess any degree of Indian blood as determined by the tribe. The Pascua Yaqui Tribe, like all federally recognized tribes, has the inherent right to determine its own membership without restrictions imposed by the Federal Government.

Mr. Speaker, I ask my colleagues to support the passage of H.R. 3319, and I yield back the remainder of my time.

Mr. BISHOP of Utah. Mr. Speaker, the House actually passed a bill similar to this on tribal membership that recognized a tribe in Texas last year, so there is precedent for this event. I would therefore have no objection to the passing of this resolution today and urge Members' support of it.

With that, I yield back all the remainder of the time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 3319, 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.

HONORING THE FOUR UNITED STATES PUBLIC SERVANTS WHO DIED IN LIBYA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 786) honoring the four United States public servants who died in Libya and condemning the attacks on United States diplomatic facilities in Libya, Egypt, and Yemen.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 786

Whereas, on September 11, 2012, terrorists attacked the United States consulate in Benghazi, Libya, killing four United States citizens, including the United States Ambassador to Libya, John Christopher Stevens, Foreign Service Information Management Officer Sean Smith, and security officers Tyrone S. Woods and Glen A. Doherty, and injured other United States citizens;

Whereas, on September 11, 2012, violent protesters stormed the United States embassy in Cairo, Egypt, committing acts of vandalism and violence and endangering the welfare of United States diplomats;

Whereas, on September 13, 2012, violent protestors were repelled from an attempt to storm the United States embassy in Sana'a, Yemen;

Whereas Ambassador Stevens was a champion of the Libyan people's efforts to remove Muammar Qaddafi from power, and served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;

Whereas, on a daily basis, United States diplomats, military personnel, foreign service nationals and locally employed staff, and other public servants make professional and personal sacrifices to faithfully serve the United States and its people to advance the ideals of freedom, democracy, and human dignity around the globe;

Whereas many United States diplomatic facilities remain threatened by terrorist attacks or violent protests in the wake of these attacks; and

Whereas Article 22 of the Vienna Convention on Diplomatic Relations obligates host governments to ''take all appropriate steps to protect the premises of the [diplomatic] mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the selfless commitment to United States national security and to Libya's hard-won, transitional democracy by the brave United States citizens who lost their lives in the unjustified attack on the United States consulate in Benghazi, Libya;

(2) expresses its deepest condolences to the families and loved ones of those United States public servants killed in Benghazi, Libya;

(3) condemns in the strongest possible terms the terrorists who planned and conducted the attack on the United States consulate in Benghazi, Libya, and those who vandalized the United States embassies in Cairo, Egypt, and Sana'a, Yemen;

(4) expresses profound concern about the security situation in Libya, Egypt, and Yemen, and with the continuing threat posed to the region and United States interests by extremists and terrorists;

(5) appreciates the actions of those who sought to protect the United States diplomats and diplomatic facilities;

(6) reaffirms that nothing can justify terrorism or attacks on innocent civilians and diplomatic personnel;

(7) calls upon all governments to continue to work closely with the United States Department of State to ensure security of diplomatic facilities throughout their countries, to secure their borders, and to aggressively combat terrorists and extremists who operate within their sovereign territory;

(8) calls upon the Governments of Libya, Egypt, and Yemen, in full cooperation with the United States Government, to investigate and bring to justice the perpetrators of these attacks; and

(9) reiterates the United States commitment to promoting its core values, including support for democracy, universal human rights, individual and religious freedom, and respect for human dignity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Speaker BOEHNER, Leader CANTOR, Leader PELOSI, and Mr. HOYER for spearheading this critical resolution about the recent terrorist attacks.

Our thoughts and our prayers are with the families of Ambassador Christopher Stevens, Sean Smith, Tyrone Woods, and Glenn Doherty, and all of those injured in the attack. Our condolences must also go out to the entire U.S. diplomatic corps.

On the 11th anniversary of the attacks of September 11, 2001, radical Islamists attacked the United States mission in Benghazi, and our Ambassador and three other State Department personnel were murdered. Concurrently, in Cairo, our Embassy was assaulted by a mob of extremists who breached its walls and desecrated our American flag.

Since that fateful day, Mr. Speaker, we have witnessed a dramatic escalation of anti-American protests and actions throughout the region, from assaulting the Embassy in Tunis to the attack on peacekeepers in the Sinai.

The premise that the violence and the protests are solely based on that obscure, hateful video is patently false. Rather, it is symptomatic of a broader effort by our enemies in the region to foment hatred of the U.S. Yet the hesitation on the part of this administration and the schizophrenia in response to this latest crisis is a cause for concern.

The U.S. has nothing for which to apologize, including the exercise of freedom of expression. Surrendering our principles before an unruly mob or violent extremists will only embolden the likes of al Qaeda and reinforce the notion that more attacks against the United States will change core American policies and American principles.

The perpetrators of the attacks must be held accountable by our allies in the region, and the administration must take the lead. There is no excuse whatsoever for attacking diplomatic missions and murdering diplomats. The administration must place the governments on notice that their conduct during this crisis will determine the nature of our relations moving forward.

The Libyan and Yemeni Governments have both apologized for and strongly condemned the attacks on U.S. diplomatic posts in their host countries. They have been fully cooperating with us. By contrast, the Egyptian Government took over a day to issue a weak statement discouraging violence against foreign embassies, but it was, alas, too little, too late.

This cannot happen again, and Congress will be closely monitoring the ongoing protests and reassessing our assistance packages and our approaches based on the responses of the governments to assaults on our embassies and our institutions.

The lack of a firm response will undermine our U.S. interests in the region. We must clearly articulate and implement a policy that rewards our allies, encourages moderate forces within the region, and punishes our enemies.

At this critical moment, Mr. Speaker, the United States must reaffirm support for our friends and allies and clearly differentiate them from our enemies.

□ 1430

The United States must continue to stand up for American values and stand with the voices of moderation.

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

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution honoring Ambassador Chris Stevens, Sean Smith, Glen Doherty, and Tyrone Woods, four patriotic Americans who lost their lives in a cowardly and despicable attack on the United States consulate in Benghazi, Libya.

On a daily basis, the men and women of the State Department assume great risks in dangerous locations all over the world. They conduct diplomacy, promote democracy, build civil society, educate, mediate, negotiate, and defend U.S. interests worldwide. They are the face of America abroad; and our country is safer, freer, and more prosperous because of what they do.

Ambassador Stevens was one of our best and brightest—and most courageous. He had served in Israel, Egypt, Syria, and Saudi Arabia; but Libya became the centerpiece and defining mission of his career. He was on the ground in Benghazi leading U.S. diplomatic efforts from the earliest days of the revolution. He worked tirelessly on behalf of U.S.-Libyan relations and the well-being of U.S. citizens living in Libya. I am particularly angry that this sickening attack occurred in a country that the U.S., with Chris Stevens in the lead, did so much to liberate.

Ambassador Stevens will be missed for his knowledge of the Middle East, his exemplary commitment to service, his warming and welcoming personality, and his basic human decency.

Sean Smith, a Foreign Service information officer, was a father and 10-year veteran of the U.S. State Department. Prior to arriving in Benghazi, he served in Brussels, Baghdad, Victoria, Montreal, and The Hague.

Glen Doherty was a former Navy SEAL from Boston. He was killed while serving on the Ambassador's security detail and helping to evacuate the wounded.

Tyrone Woods spent two decades as a SEAL, was a father of three, and had worked protecting diplomats in dangerous posts for the past 2 years.

Mr. Speaker, our thoughts and prayers are with the families of all the dedicated public servants whose lives were lost.

Libya owes the American people a full investigation of this incident, in complete cooperation with U.S. authorities. The killers must be found and brought to justice. I stand by ready to assist in any way I can.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I certainly join with my colleagues in mourning the passing, under tragic circumstances, of Ambassador Stevens, as well as the deaths of Sean Smith and security officers Tyrone Woods and Glen Doherty, as well as all those who were injured. I think that all of us can agree that what happened to Ambassador Stevens and the rest of the diplomatic staff should concern everyone, concern all Americans. These attacks were wrong, and it's appropriate that we honor Ambassador Stevens.

The resolution, as I read it, is not complete, though, because this discussion that we're having here on the floor is missing some elements; and I'd like to bring them forward right now.

We have to ask the question: Why was that consulate in Benghazi, Libya, so lightly defended to begin with? Did anyone know that Benghazi was still a flash point? I mean, we overthrew the government. Did anyone know that when the government fell, al Qaeda's flag was flying over Benghazi? Did anyone know about al Qaeda's presence in Libya that came after the war? That would have been a constant factor to be mindful of with respect to protecting those who serve. Why wasn't more care given to protect U.S. personnel?

The other thing is, there were warnings in diplomatic circles, specifically with respect to Libya, because of the ferment that has been going on in the broader Muslim world. These are concerns that should be discussed by the

Congress. It doesn't take away anything from the sacrifice that was given, but we have to ask some questions here.

We also have to be aware that U.S. policy in Libya is murky at best and a huge mistake at worst. We had debates on this floor about Libya, and we know that Congress was not consulted. The current issue of Vanity Fair is worth the attention of every Member of Congress because it made it abundantly clear on what is a prime constitutional responsibility of Congress. Article I, section 8, the power to declare war, was essentially usurped by the administration. This is not a small matter. Would we have been in Libya if Congress had had an upfront vote immediately?

Two days ago, we celebrated Constitution Day. Are we celebrating the Constitution every day or just one day? There are consequences for not following the Constitution; there are consequences for our citizens here at home and citizens abroad. This needs to be brought up in the context of this debate.

We cannot pretend that United States policy—which often lacks congressional involvement—with drones flying over Yemen and Somalia and Pakistan and Afghanistan and innocents killed, that there's not going to be blow-back or a backlash. It is wrong for any of our people to have their lives on the line where they lose their lives. It's awful.

I stand here today in support of this resolution only because I want to be on record as joining my colleagues on this matter of making sure that we pay tribute to those whose lives were put on the line for this country. But let me tell you, we cannot ignore the deeper questions here: Why wasn't that consulate well defended? We cannot ignore the question: Why wasn't Congress consulted on the decision to go to war against Libya? There are consequences for these things.

The whole country should mourn Ambassador Stevens' death and the deaths of all of those who proudly serve this country who were taken in this fit of outrage that swept across Libya, but we need to remember a few other things too about how we got there and why those people who put their lives on the line to serve, why their lives were put in jeopardy.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 1 minute to our esteemed majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentlelady for her leadership in bringing this resolution forward.

Mr. Speaker, I rise today in support of this resolution to condemn the violence against our diplomatic missions in Libya, Egypt, Yemen, and elsewhere.

We acknowledge and honor the personal sacrifice of the brave Americans who gave their lives in service to our Nation. U.S. Ambassador Chris Stevens, Foreign Service Information Management Officer Sean Smith, and Security Officers Tyrone Woods and Glen Doherty tragically lost their lives far from home in Bengˈhazi, Libya, where they were promoting American interests and helping the Libyan people secure the hard-fought gains of the revolution. These heroes died upholding the liberty, democracy, and moderation we value as a Nation.

In the wake of their deaths and the ongoing protests and violence, Americans want to know what our strategy is for protecting our diplomats, our interests, and our values in a region that is undergoing a profound—and unfortunately sometimes violent—political transformation.

□ 1440

Americans are rightly worried about the anti-Americanism and Islamic extremism that has reared its head. I share the concern that Americans have about the situation in the Middle East, and I believe the President should explain his strategy for navigating the uncertain waters before us.

But I know that one policy we must not pursue is to turn our back on this troubled region. Withdrawing from the region would embolden the extremists and justify Osama bin Laden's strategy, leaving the moderates who share our values and who desire democracy to combat the forces of violence alone.

We are not alone in this fight. From Morocco to Indonesia, there are brave Muslims who oppose violence, who desire good relations with the United States, who respect religious freedom, and who risk their lives by preaching tolerance and moderation. We should redouble our efforts to stand with these Muslims who seek to protect a great religion from being subverted by extremists.

We should not abandon Libya because terrorists seek to undermine a government that is making progress towards establishing a democracy and that is joining the fight against terrorism.

Egypt's democratic revolution is unfinished, and much work remains to ensure that its first election is not its last. We should work with Egypt's leaders to help them build a democracy that respects individual rights, women, and religious freedom while being clear that we will not tolerate policies that give any ground to terrorists or undermine our security or that of our ally Israel.

American assistance is not an entitlement, and Congress expects Egypt's new leaders to respect the parameters and conditions of our generous aid.

America must not abandon its partners, just as we should not apologize for our perceived sins. We must demonstrate leadership. We should lead a coalition against the radical mullahs in Iran who foment instability and support extremists throughout the region. America should combat Iran's support for terrorism and thwart its aspirations for nuclear weapons.

America should be leading an international effort to bring overwhelming pressure on the Assad regime in Syria to end, once and for all, its state sponsorship of terrorism and to bring about a new government in Syria before that society fractures beyond repair.

Mr. Speaker, America has long been a force for good and stability in the Middle East. When we have retreated in the past from playing this role, we have paid dearly. Withdrawing from Lebanon in the 1980s ceded that country to Syria and Hezbollah. Failing to respond to al Qaeda's attacks in the 1990s led Osama bin Laden to believe he could attack the American homeland.

The extremists in the region believe today, as bin Laden believed then, that we do not have the stomach to defend our friends and our interests, that we will abandon the Middle East. We must prove them wrong by responding to this challenge with purpose and strength. We must stand with our friends and hold our enemies to account.

Mr. ENGEL. I have no further speakers. I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to reinforce a few points. First, our thoughts and our prayers are with the families of the American diplomats murdered in Libya as we stand with them in this difficult time.

Secondly, there is no excuse whatsoever for attacking diplomatic missions and murdering diplomats.

Third, the U.S. has nothing for which to apologize. Let us not apologize for the exercise of freedom of expression. The perpetrators of these attacks must be held accountable.

Finally, the United States Congress will be reassessing our assistance packages based on the responses of the various affected governments to assaults on our embassies and our institutions. Nothing can justify the terrorist attacks carried out against our fellow Americans, our diplomatic posts, and our U.S. interests around the world.

The Americans killed were committed to helping the Libyan people, committed to help them secure a better, more stable, more peaceful future. Yet, radicals, the radicals who seek to hijack such freedom, security, and prosperity from the people of the Middle East and in North Africa, those who deny their own people basic human rights and universal freedoms, answered our dedication and our commitment of these courageous Americans by burning our mission and killing our diplomats.

So let us be clear: no apologies are needed. Nothing justifies these violent actions.

And to the people throughout the Middle East, North Africa, and throughout the world who are oppressed, the United States and our personnel overseas stand with you. We stand for freedom, despite the threats from extremist elements.

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

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank you and the other members of our House leadership for introducing this important, bi-partisan resolution.

Tragically, our country will now be commemorating not only the terrorist attacks of September 11, 2001, but also the attacks on the United States consulate in Benghazi, Libya, that occurred on the same date last week.

The four U.S. citizens who lost their lives, especially Ambassador John Christopher Stevens, and those who were injured in this unjustified act of violence demonstrated an extraordinary commitment to our country's national security and Libya's democracy. I would like to convey my heartfelt condolences to the families of the victims.

I also want to express my ongoing support and gratitude for all the Foreign Service men and women who are promoting American values and interests abroad. It is on occasions such as this that we are reminded of the many sacrifices that they make in service to our country. In addition to living in foreign lands away from their families and adapting to new cultures and languages, many of them daily face the possible ultimate sacrifice of their lives. The violence that occurred last week at our diplomatic missions in several countries must renew our national commitment to doing our best to ensure their safety.

Mr. Speaker, there is no justification for the recent attacks on U.S. diplomatic missions and the taking of innocent American lives in Benghazi. All governments must take appropriate measures to ensure the security of U.S. diplomatic facilities within their borders, and to end these acts of terrorism.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 786.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3783

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 ''Countering Iran in the Western Hemisphere Act of 2012''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States has vital political, economic, and security interests in the Western Hemisphere.

(2) Iran is pursuing cooperation with Latin American countries by signing economic and security agreements in order to create a network of diplomatic and economic relationships to lessen the blow of international sanctions and oppose Western attempts to constrict its ambitions.

(3) According to the Department of State, Hezbollah, with Iran as its state sponsor, is considered the ''most technically capable terrorist group in the world'' with ''thousands of supporters, several thousand members, and a few hundred terrorist operatives,'' and officials from the Iranian Islamic Revolutionary Guard Corps (IRGC) Qods Force have been working in concert with Hezbollah for many years.

(4) The IRGC's Qods Force has a long history of supporting Hezbollah's military, paramilitary, and terrorist activities, providing it with guidance, funding, weapons, intelligence, and logistical support, and in 2007, the Department of the Treasury placed sanctions on the IRGC and its Qods Force for their support of terrorism and proliferation activities.

(5) The IRGC's Qods Force stations operatives in foreign embassies, charities, and religious and cultural institutions to foster relationships, often building on existing socioeconomic ties with the well established Shia Diaspora, and recent years have witnessed an increased presence in Latin America.

(6) According to the Department of Defense, the IRGC and its Qods Force played a significant role in some of the deadliest terrorist attacks of the past two decades, including the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, by generally directing or supporting the groups that actually executed the attacks.

(7) Reports of Iranian intelligence agents being implicated in Hezbollah-linked activities since the early 1990s suggest direct Iranian government support of Hezbollah activities in the Tri-Border Area of Argentina, Brazil, and Paraguay, and in the past decade, Iran has dramatically increased its diplomatic missions to Venezuela, Bolivia, Nicaragua, Ecuador, Argentina, and Brazil. Iran has built 17 cultural centers in Latin America, and it currently maintains 11 embassies, up from 6 in 2005.

(8) Hezbollah and other Iranian proxies with a presence in Latin America have raised revenues through illicit activities, including drug and arms trafficking, counterfeiting, money laundering, forging travel documents, pirating software and music, and providing haven and assistance to other terrorists transiting the region.

(9) Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela expressed their intention to assist Iran in evading sanctions by signing a statement supporting Iran's nuclear activities and announcing at a 2010 joint press conference in Tehran their determination to ''continue and expand their economic ties to Iran'' with confidence that ''Iran can give a crushing response to the threats and sanctions imposed by the West and imperialism''.

(10) The U.S. Drug Enforcement Administration concluded in 2008 that almost one-half of the foreign terrorist organizations in the world are linked to narcotics trade and trafficking, including Hezbollah and Hamas.

(11) In October 2011, the United States charged two men, Manssor Arbabsiar, a United States citizen holding both Iranian and United States passports, and Gholam Shakuri, an Iran-based member of Iran's IRGC Qods Force, with conspiracy to murder a foreign official using explosives in an act of terrorism. Arbabsiar traveled to Mexico with the express intent to hire ''someone in the narcotics business'' to carry out the assassination of the Saudi Arabian Ambassador in the United States. While in the end, he only engaged a U.S. Drug Enforcement Agency informant posing as an associate of a drug trafficking cartel, Arbabsiar believed that he was working with a member of a Mexican drug trafficking organization and sought to send money to this individual in installments and not in a single transfer.

(12) In February 2011, actions by the Department of the Treasury effectively shut down the Lebanese Canadian Bank. Subsequent actions by the United States Government in connection with the investigation into Lebanese Canadian Bank resulted in the indictment in December 2011 of Ayman Joumaa, an individual of Lebanese nationality, with citizenship in Lebanon and Colombia, and with ties to Hezbollah, for trafficking cocaine to the Los Zetas drug trafficking organization in Mexico City for sale in the United States and for laundering the proceeds.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to use a comprehensive government-wide strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere by working together with United States allies and partners in the region to mutually deter threats to United States interests by the Government of Iran, the Iranian Islamic Revolutionary Guard Corps (IRGC), the IRGC's Qods Force, and Hezbollah.

SEC. 4. DEFINITIONS.

In this Act:

(1) WESTERN HEMISPHERE.—The term ''Western Hemisphere'' means the United States, Canada, Mexico, the Caribbean, South America, and Central America.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 5. REQUIREMENT OF A STRATEGY TO ADDRESS IRAN'S GROWING HOSTILE PRESENCE AND ACTIVITY IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct an assessment of the threats posed to the United States by Iran's growing presence and activity in the Western Hemisphere and submit to the relevant congressional committees the results of the assessment and a strategy to address Iran's growing hostile presence and activity in the Western Hemisphere.

(b) MATTERS TO BE INCLUDED.—The strategy described in subsection (a) should include—

(1) a description of the presence, activities, and operations of Iran, the Iranian Islamic Revolutionary Guard Corps (IRGC), its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere, including information about their leaders, objectives, and areas of influence and information on their financial networks, trafficking activities, and safe havens;

(2) a description of the terrain, population, ports, foreign firms, airports, borders, media outlets, financial centers, foreign embassies, charities, religious and cultural centers, and income-generating activities in the Western Hemisphere utilized by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere;

(3) a description of the relationship of Iran, the IRGC, its Qods Force, and Hezbollah with transnational criminal organizations linked to Iran and other terrorist organizations in

the Western Hemisphere, including information on financial networks and trafficking activities;

(4) a description of the relationship of Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere with the governments in the Western Hemisphere, including military-to-military relations and diplomatic, economic, and security partnerships and agreements;

(5) a description of the Federal law enforcement capabilities, military forces, State and local government institutions, and other critical elements, such as nongovernmental organizations, in the Western Hemisphere that may organize to counter the threat posed by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere;

(6) a description of activity by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present at the United States borders with Mexico and Canada and at other international borders within the Western Hemisphere, including operations related to drug, human, and arms trafficking, human support networks, financial support, narco-tunneling, and technological advancements that incorporates—

(A) with respect to the United States borders, in coordination with the Governments of Mexico and Canada and the Secretary of Homeland Security, a plan to address resources, technology, and infrastructure to create a secure United States border and strengthen the ability of the United States and its allies to prevent operatives from Iran, the IRGC, its Qods Force, Hezbollah, or any other terrorist organization from entering the United States; and

(B) within Latin American countries, a multiagency action plan, in coordination with United States allies and partners in the region, that includes the development of strong rule-of-law institutions to provide security in such countries and a counterterrorism and counter-radicalization plan to isolate Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere from their sources of financial support and counter their facilitation of terrorist activity; and

(7) a plan—

(A) to address any efforts by foreign persons, entities, and governments in the region to assist Iran in evading United States and international sanctions;

(B) to protect United States interests and assets in the Western Hemisphere, including embassies, consulates, businesses, energy pipelines, and cultural organizations, including threats to United States allies;

(C) to support United States efforts to designate persons and entities in the Western Hemisphere for proliferation activities and terrorist activities relating to Iran, including affiliates of the IRGC, its Qods Force, and Hezbollah, under applicable law including the International Emergency Economic Powers Act; and

(D) to address the vital national security interests of the United States in ensuring energy supplies from the Western Hemisphere that are free from the influence of any foreign government that would attempt to manipulate or disrupt global energy markets.

(c) DEVELOPMENT.—In developing the strategy under this section, the Secretary of State shall consult with the heads of all appropriate United States departments and agencies, including the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative.

(d) FORM.—The strategy under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of State should keep the relevant congressional committees continually informed on the hostile actions of Iran in the Western Hemisphere.

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit the rights or protections enjoyed by United States citizens under the United States Constitution or other Federal law, or to create additional authorities for the Federal Government that are contrary to the United States Constitution and United States law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

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

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of H.R. 3783, the Countering Iran in the Western Hemisphere Act of 2012, a bill introduced by my good friend, Mr. DUNCAN, an esteemed member of our Foreign Affairs Committee. I would like to thank him for his hard work on the issues addressed in this important bill.

In February, the Committee on Foreign Affairs held a hearing entitled ''Ahmadinejad's Tour of Tyrants and Iran's Agenda in the Western Hemisphere'' in order to examine the threat to U.S. national security posed by Iran and Iranian-sponsored activities in the Western Hemisphere. One month later, this bipartisan measure was unanimously adopted by our Committee on Foreign Affairs.

Mr. Speaker, as we have witnessed in the last few weeks, the violence perpetrated by extremists in the Middle East against our embassies and our consulates undermines our foreign policy objectives, and we must prevent these vicious attacks from occurring in our region.

Let us not forget that 18 years ago, Iranian so-called diplomats readily partnered with Hezbollah, a U.S.-designated foreign terrorist organization, to carry out a deadly attack against the AMIA Jewish Community Center in Buenos Aires, Argentina. Iran has only increased its subversive action since then, and over the past decade the regime has increased diplomatic and economic ties between Iran and the radical regimes in Latin America.

Iran's Ahmadinejad made two trips to Latin America this year to visit his fellow tyrants: the Castro brothers in Cuba, Ortega in Nicaragua, Correa in Ecuador, Chavez in Venezuela, and Morales in Bolivia.

In an attempt to promote its extremist propaganda, the Iranian regime recently launched a Spanish television network to reach a larger international audience centered in the Western Hemisphere. More embassies and cultural centers have opened in Bolivia, Ecuador, Nicaragua, Colombia, Chile, and Uruguay, in addition to its existing diplomatic missions in Cuba, Argentina, Brazil, Mexico, and Venezuela.

According to a U.S. intelligence analyst, these diplomatic missions are simply fronts for Iran to carry out its nefarious activities in the region and a potential platform to increase the presence of the Qods Force operatives, a designated foreign terrorist organization and an arm of the Revolutionary Guard of Iran.

□ 1450

According to media reports, Hezbollah, which is Iran's proxy, has established a training base in Nicaragua. It is also concerning that the Ortega regime in Nicaragua does not require any visas for Iranian officials to enter the country, which can then become the gateway to enter the United States through our southern border. Ten days ago, there were news reports stating that several alleged Hezbollah members were arrested in Mexico. Iran has worked tirelessly to promote its extremist ideologies and support efforts to undermine the democratic governments throughout the region.

H.R. 3783 requires the Secretary of State to outline a U.S. Government-wide strategy to fight the aggressive actions of Iran and its proxies such as Hezbollah in the Western Hemisphere toward a comprehensive policy stance that will protect U.S. security interests.

This legislation calls for the administration to develop a plan to secure the U.S. borders with Canada and Mexico and to prevent operatives from entering the United States. It also calls for a plan to isolate Iran and its proxies from their sources of financial support, and it addresses efforts by foreign persons, entities, and governments in the region that may be assisting Iran in evading sanctions.

Lastly, it develops a plan to protect U.S. interests and assets in our Western Hemisphere, including embassies, consulates, businesses, and cultural organizations. We must ensure that the United States is actively monitoring this threat and that it takes appropriate steps to counter the Iranian regime's agenda in our hemisphere. I strongly support the passage of this legislation.

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

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

I rise in strong support of H.R. 3783, the Countering Iran in the Western Hemisphere Act of 2012.

I would like to thank the sponsor of this legislation, Mr. DUNCAN, and the chairman of the Foreign Affairs Committee, Ms. ROS-LEHTINEN, for their leadership on this issue.

This bill makes available $1 million of Andean counternarcotics funding for the State Department to generate an assessment of the challenge posed to our country by Iran's presence and hostile activity in the Western Hemisphere, as well as a strategy to address whatever threats we may face from the Iranian regime.

Tehran's pursuit of a nuclear weapons capability, its continued support for international terrorism, and its abuse of basic human rights require the United States to maintain extreme vigilance in monitoring and countering its threats around the world. Though our goal has not yet been realized, thanks to the leadership of Congress and the Obama administration, more pressure has been placed on the Iranian regime than ever before. While Iran's behavior poses a clear and obvious danger to its own people, its neighbors, and to our ally Israel, its presence closer to our shores also deserves watchful attention.

The Foreign Affairs Committee has heard significant testimony on this issue from both the administration and private sources. In my capacity of first as chairman and now as ranking member of the Western Hemisphere Subcommittee on the Foreign Affairs Committee, I think there is ample evidence that Iran is up to no good in the Western Hemisphere.

Iranian President Mahmoud Ahmadinejad has openly and defiantly signaled to the U.S. in his six trips to our hemisphere that he is trolling for friends. Although it seems what Iran actually places on the table of the countries he visits is a stack of unmet promises, it is important that the U.S. Government remain vigilant and dig much deeper into the nature and effectiveness of these Iranian regime actions.

None of this occurs in a vacuum. Iran was complicit in the horrific bombings of the Israeli embassy in Buenos Aires and of the AMIA Jewish Community Center, also in Buenos Aires, which I have visited on numerous occasions. This happened in the first half of the 1990s, so it can easily be said that the first terrorist attacks on Latin American soil happened with Iran in control. We also have evidence of Iran's increasing willingness to conduct an attack on U.S. soil, such as the discovery this year of a twisted Iranian plot to assassinate the Saudi Ambassador here in Washington.

We must be alert to any Iranian attempts to circumvent sanctions and stand against efforts to curry favor with our neighbors to loosen those sanctions. We should continue to monitor intelligence links and watch the Iranian diplomatic corps, given its historical involvement in nefarious acts. We should keep a close eye on financial transactions; the chaotic nexus of drug money and terrorism in this region, in particular, deserves serious notice.

Finally, it is important to express that my support for this legislation is not in any way an indication that the Obama administration has not taken this issue seriously. The President has himself stated that his administration will continue to monitor Iran's activities in the Western Hemisphere closely, and I have personally engaged enough administration officials to be persuaded that they understand the gravity of the situation and are giving it the attention it deserves.

Still, we must be particularly vigilant toward the relationship between Iran and Venezuela, given the opacity of the ties between the regimes governing each country and the anti-American bombast of their leaders. However, there are some positive notes in our region. I would like to extend my appreciation to Brazil, the largest democracy in the hemisphere outside of the United States, which, under President Rousseff, has significantly cooled its relationship with Iran and has cast important votes in the U.N. Human Rights Council critical of the Iranian regime.

Today's polarization and bluster in Washington on so many issues can have the effect of making it difficult to separate fact from fiction. We cannot let that happen here. The stakes are too high. So, with this legislation, we provide both a strong signal to the administration to continue to monitor this situation closely as well as the resources to look across U.S. agency efforts and enforcement capabilities to make sure they are in lockstep.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I proudly yield 4 minutes to the gentleman from South Carolina (Mr. DUNCAN), a member of our House Committee on Foreign Affairs as well as a member of the Homeland Security and Natural Resources Committees. More importantly, he is the author of this bill today.

Mr. DUNCAN of South Carolina. Thank you, Madam Chairwoman, for your leadership on this very important issue.

I want to pause to thank the gentleman from New York (Mr. HIGGINS) for his leadership on the other side of the aisle.

Last week, Congress took a rare break from our work here and from partisanship. We came together to remember those who died on 9/11 and during the war on terrorism. We stood together on the Capitol steps, and we pledged that we would never forget the heartbreaking events of that fateful day. One of the ways we can honor the memory of those who lost their lives is to be prepared so that our country will never again experience such a tragedy.

Mr. Speaker, that's why I'm standing before you today, thanking you and the Members of the body for putting partisanship aside and for working together to keep our families and our communities safe from new and emerging threats to our Nation.

We are all aware of the Iranian nuclear threat in the Middle East and globally, but there is another potential threat from Iran and its proxies that is closer to home. That threat is an emerging Iranian-backed terror network here in the Western Hemisphere. What we already know is very alarming.

We know about last October's foiled Iranian plot to assassinate the Saudi Arabian Ambassador to the U.S. here on American soil.

We know that Iran has vastly expanded its diplomatic and economic footprint in Latin America. For example, we know about the Department of Defense's 2012 Annual Report on Iran that stated:

> During the past three decades, Iran has methodically cultivated a network of sponsored terrorist surrogates capable of targeting U.S. and Israeli interests.

Just this month, the Brazilian journal Veja and others reported on a police seizure in Bolivia of 2 tons of minerals believed initially to contain uranium but more likely tantalum, which is the mineral that is in demand for, among other things, nuclear reactors and missile parts.

We know that 2 weeks ago an Israeli news organization revealed that Iran has established a Hezbollah terrorist training base in northern Nicaragua with operatives ''being trained at the base to attack Israeli and U.S. targets in the event of a raid on Iranian nuclear installations.''

□ 1500

And we know that just last week, press reports revealed that three suspected Hezbollah members were arrested just south of our border in Mexico.

None of this should come as a surprise. Iran has publicly stated that increasing their presence and ties to Latin America is one of their top foreign policy objectives; however, we must have the capabilities to defend ourselves from potential Iranian attacks here on the homeland. We must be able to clearly identify this emerging threat and develop strategies which include working with our neighbors here in this hemisphere to prevent Iran from being a danger to our country here at home.

Mr. Speaker, that's why this bill, H.R. 3783, establishes a strong U.S. posture, policy, and relationship with Latin American countries. It protects U.S. interests and assets in the Western Hemisphere, such as embassies, consulates, energy pipelines, and cultural organizations, including threats to U.S. allies. It addresses the vital national security interests of the United States by ensuring that energy supplies from the Western Hemisphere are

free from the influence of any foreign government that would attempt to manipulate or disrupt global energy markets.

This bill requires a secure U.S. border with the U.S. working in coordination with the governments of Mexico and Canada to prevent Iranian operatives from entering the United States. This bill counters the efforts by foreign persons, entities, and governments in the region which may assist Iran in evading U.S. and international sanctions.

Mr. Speaker and Madam Chairwoman, I urge that Members of this body come together and vote for this very important issue, H.R. 3783.

Last week marked the 11th anniversary of al Qaeda's attacks on the World Trade Center and the Pentagon. Al Qaeda, responsible for the tragic deaths of nearly 3,000 people on 9/11, has long operated with extensive ties to the Government of Iran. The 9/11 Commission documented that al Qaeda operatives traveled to Iran to receive training in explosives in the 1990s, that ''Iran facilitated the transit of al Qaeda members into and out of Afghanistan before 9/11, and that some of these were future 9/11 hijackers.'' This past February, the Treasury Department designated the Iranian Ministry of Intelligence and Security for its support of terrorist groups including al Qaeda.

Today, the Iranian regime continues pursuing nuclear weapons against U.S. and international sanctions. It warns of striking U.S. military bases with its ballistic missiles in the event of an attack on Iran. It bullies the global energy market with its threats to block the Strait of Hormuz. Last October's foiled Iranian plot to assassinate the Saudi Ambassador to the U.S. revealed, as DNI Director Clapper stated, a change in ''calculus'' and a willingness ''to conduct an attack in the United States.'' This year alone, a string of assassination attempts by Iran and Hezbollah in Azerbaijan, Bulgaria, Thailand, Georgia, and Kenya have only intensified this drumbeat.

Add to these dangers a growing Iranian presence in the Western Hemisphere and we have a serious security threat that demands a U.S. response. Since 2005, Iran has increased its embassies from 6 to 11 and built 17 cultural centers in Latin America. Iran's diplomacy has led to soaring trade with Latin American countries. Brazil increased its exports to Iran seven-fold over the past decade to an annual level of $2.12 billion. Iranian trade with Argentina and Ecuador has grown, and economic contracts between Iran and Venezuela have exploded to more than $20 billion in trade and cooperation agreements.

Iran has also boosted its military ties with Latin America. The Defense Department assesses ''with high confidence that during the past three decades Iran has methodically cultivated a network of sponsored terrorist surrogates capable of targeting U.S. and Israeli interests.'' The U.S. Army War College's Strategic Studies Institute has labeled this threat tied to the explosion of relationships between transnational crime and criminalized states in Latin America an ''emerging tier-one national security priority.'' Two weeks ago, an Israeli news organization published a story that ''Iran has established a Hizbullah terrorist training base in northern Nicaragua'' with operatives ''being trained at the base to attack Israeli and U.S. targets in the event of a raid on Iranian nuclear installations.'' Last week, press reports revealed that three suspected Hezbollah members were arrested in Mexico.

None of this should come as any surprise to us. Iran has publicly stated that ''the promotion of all-out cooperation with Latin American countries is among the top priorities of the Islamic Republic's foreign policy.'' A 2009 dossier by Israel's Ministry of Foreign Affairs put it bluntly: ''since Ahmadinejad's rise to power, Tehran has been promoting an aggressive policy aimed at bolstering its ties with Latin American countries with the declared goal of 'bringing America to its knees.'

The U.S. must have the capabilities to defend itself from a potential Iranian attack on the homeland. We must have a strong posture in our region and deepening relationships with our neighbors, so we can protect U.S. interests and keep the Western Hemisphere free from hostile agents of foreign influence. We must have secure borders to prevent Iranian operatives from entering the U.S. It is unconscionable that we should let Iran use Latin American countries as a base to prepare for potential attacks against the U.S. homeland. Iran poses an incalculable risk to the safety of the U.S. homeland. Our duty is to ensure we provide for the defense of this country, and the American people expect no less. I ask for your support of this legislation.

Mr. ENGEL. Mr. Speaker, I now yield 4 minutes to my friend and colleague from the great State of New York, who is the lead Democratic sponsor of this bill, Mr. HIGGINS.

Mr. HIGGINS. First, I want to thank JEFF DUNCAN for his leadership and friendship on this issue and for his hard work on this. It's a very important bill that obviously enjoys bipartisan support.

I rise in support of H.R. 3783, the Countering Iran in the Western Hemisphere Act. This important legislation is of particular interest to western New York, and it addresses a pressing national security concern for the United States.

Mr. Speaker, Hezbollah, otherwise known as the ''party of God'' in Arabic, is a militant Shia organization committed to violent jihad. It is based in Lebanon, but serves as a proxy for Iran, Syria, and Venezuela. During hearings in the House Committee on Homeland Security, we heard expert testimony linking Hezbollah to criminal activity throughout the Western Hemisphere. We learned that there are roughly 80 Hezbollah operatives in the 15-nation region of Latin America and that it is involved in the South American drug trade and radicalization efforts in Mexico.

We also learned that Hezbollah has an active presence in four cities in Canada and 15 cities in the United States. I questioned the witnesses about Hezbollah's activity in North America. I asked, If Hezbollah is not targeting the United States, what are they doing here? The response was that these activities were not significant because they were largely limited to fundraising. Mr. Speaker, I don't see the distinction between terrorist activity and fundraising for terrorist activity. If Hezbollah and, by proxy, Iran are using safe havens in and around the United States, we must have a strategy to address it.

As I said, this is of particular concern to western New York because one of the communities in which Hezbollah has a presence is Toronto, which is 90 miles north of Buffalo. The Buffalo-Niagara region is within 500 miles of 55 percent of the United States population and 62 percent of the Canadian population. Our Peace Bridge is the busiest border crossing between the United States and Canada. Our Niagara Power Project is the largest energy producer in New York State, and the Department of Homeland Security, citing budgetary constraints, just dropped our preparedness funding. You can understand if we don't feel comfortable with Hezbollah 90 miles away for those who live in Buffalo.

Mr. Speaker, this bill would address the threat Hezbollah poses to communities like mine. It requires the State Department to conduct a thorough assessment of the threats we face and to develop a strategy in coordination with our allies and partners in the region to address Hezbollah's growing presence and activity in the Western Hemisphere.

Again, I want to thank my colleague, JEFF DUNCAN, for his work on this issue and his leadership on this issue. I also want to thank Chairwoman ROS-LEHTINEN and Ranking Member BERMAN for their support.

I urge passage of this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New York (Mr. TURNER), a member on the House Committee on Foreign Affairs, Veterans' Affairs, and Homeland Security Committee.

Mr. TURNER of New York. Mr. Speaker, I thank the gentleman from South Carolina for introducing this resolution.

I rise today in strong support of H.R. 3783, the Countering Iran in the Western Hemisphere Act.

Last week's events in the Middle East and Africa are a stark reminder of how fragile peace can be. Iran's leaders have not been afraid to let the world know they will attack the United States and our allies, even going so far as to claim that they will wipe Israel off the face of the Earth.

Iran is emerging as a threat much closer to our shores in South America. Earlier this year, Iran's President, Mahmoud Ahmadinejad, embarked on a trip that Chairman ROS-LEHTINEN accurately characterized as a ''tour of tyrants.'' He traveled throughout South America, where he met with Venezuela's President Chavez and attended the presidential inauguration of Daniel Ortega in Nicaragua before going on to Cuba and Ecuador.

Iran continues to deepen its relations with Latin America through its ties to the international Islamic Shia group,

Hezbollah, a State Department-designated foreign terrorist organization. According to the Congressional Research Center, Hezbollah, along with Iran, has been linked to two bombings against Jewish targets in Argentina—the 1972 bombing of the Israeli Embassy in Buenos Aires that killed 30 people and the 1994 bombing of the Argentine-Israeli Mutual Association in Buenos Aires that killed 85 people.

While increasing tensions between the United States, Israel, and Iran, we cannot simply afford to ignore the threats that are looming in South America. The Countering Iran in the Western Hemisphere Act of 2012 will ensure that threat assessments are conducted, that a cooperative strategy is put in place between the United States and her allies in the region, and our borders with Canada and Mexico are more secure. These efforts will allow our country to better protect our citizens and our interests both on our own soil and abroad.

As we have seen, the threat is real and American lives are at stake. We cannot afford to ignore the potential threats to our national security that may stem from this area of the world.

Mr. ENGEL. At this time, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I condemn all the violence that has been talked about here, and I also had the opportunity years ago to visit the synagogue in Buenos Aires that was the subject of that attack, and I paid my respects.

I want to say that as I've heard this debate, there are two things that occur to me: number one, Congress has a right to ask for reports. It's our constitutional obligation to find out what the administration is doing. I support Congress' right to get information. But at the same time, when the debate takes us in a direction to where suddenly we're at odds with Latin America, it is an argument for Congress to take a strong stand for diplomacy. I hope that as we get these reports, that we're going to underscore the importance of diplomacy not only with respect to Latin America, but also with respect to Iran. The American people do not want another war, and we need diplomacy to take us in a direction that makes war not likely.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time we have no further requests for time, and I yield back the balance of my time.

Mr. ENGEL. I also yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to offer my strong support to H.R. 3783, Countering Iran in the Western Hemisphere Act, which provides for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere. I would also like to thank the gentleman from South Carolina, Mr. JEFF DUNCAN, for introducing this legislation highlighting the very real threat of Iran at America's front door.

If we have learned anything from the complete lack of progress in negotiations to keep Iran from making a nuclear weapon, it is that Iran is persistent in hostile action and insistent on establishing itself as a counterweight to U.S. power and ideals.

Iran has engaged the U.S. through its Iran Revolutionary Guard Corp (IGRC) in Iraq, resulting in the deaths of American men and service women. Iran is buttressing the morally bankrupt Assad regime in Syria as Syria massacres its own people. And Iran is attacking our friends and allies through its proxies, like Hezbollah, which boasts and arsenal of 60 to 70,000 rockets, many of which were supplied by Iran and are aimed at Israeli neighborhoods.

Iran has earned its title as a state sponsor of terrorism. No target is off limits, and simply being of Jewish descent is apparently provocation enough. In 1994, Iran orchestrated one of the worst terrorist attacks in the Western Hemisphere against the AMIA Jewish Community Center in Buenos Aires, murdering 85 people and injuring 300 more. The peace of 200,000 Jewish individuals, many of whom fled to Argentina during WWII, was shattered by this barbarous attack.

Media reports over the last few years have shown an alarming trend of increased Iranian IGRC Qods force presence and activity in Latin America. Iran's President Ahmadinejad, famous for his repeated denials of the Holocaust and dedication to wiping Israel off the map, has made visits to Latin America to cultivate alliances with Chavez, Ortega, Morales, Castro, and Correa.

These leaders have stated their commitment to Iran's nuclear activities and their faith that "Iran can give a crushing response to the threats and sanctions imposed by the West and imperialism." There is no question that Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela are helping Iran evade the sanctions intended to prevent Iran from becoming a nuclear sponsor of state terrorism. The question is, what are we doing about it?

If Iran succeeds in creating a nuclear weapon, it is all too conceivable that these allies of Iran in the Western Hemisphere would be willing to provide a local launch pad, as Cuba did during the Cold War for Russian missiles aimed at the U.S.

Mr. Speaker, these threats are all too real and all too proximate. With H.R. 3783, the Administration will be required to create a coordinated, inter-agency plan to ensure that the United States is working effectively to counter Iran's hostile aspirations in the Western Hemisphere. I urge my colleagues to support this important and timely legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 3783, as amended

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

The title was amended so as to read: ''A bill to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1510

EXPRESSING SENSE OF HOUSE TOWARD ESTABLISHMENT OF A DEMOCRATIC AND PROSPEROUS REPUBLIC OF GEORGIA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) expressing the sense of the House of Representatives with respect toward the establishment of a democratic and prosperous Republic of Georgia and the establishment of a peaceful and just resolution to the conflict with Georgia's internationally recognized borders, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 526

Whereas a democratic and stable Republic of Georgia is in the political, security, and economic interests of the United States;

Whereas the security of the Black Sea and South Caucasus region is important for Euro-Atlantic security, transportation, and energy diversification to and from Central Asia;

Whereas Georgia has been a reliable partner and ally in enhancing global peace and stability with its significant contribution to operations in Iraq and Afghanistan;

Whereas the United States-Georgia Charter on Strategic Partnership, signed in January 2009, outlines the importance of the bilateral relationship as well as the intent of both countries to expand democracy and economic programs, enhance defense and security cooperation, further trade and energy cooperation, and build people-to-people cultural exchanges;

Whereas in October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Hillary Rodham Clinton stated, ''the United States will not waver in its support for Georgia's sovereignty and territorial integrity'';

Whereas successive United States Administrations have supported Georgia's aspirations to join the North Atlantic Treaty Organization (NATO);

Whereas it was declared by the Heads of State and Government participating in the 2008 NATO Summit in Bucharest, and reaffirmed in 2009 at the Summit in Strasbourg and Kehl and in 2010 at the Summit in Lisbon, that Georgia is a NATO aspirant country, and will become a member of NATO;

Whereas the North Atlantic Council Foreign Ministers, meeting on December 7, 2011, applauded the significant operational support provided to NATO by aspirant partners Georgia, the former Yugoslav Republic of Macedonia, Montenegro and Bosnia and Herzegovina;

Whereas the August 2008, military conflict between Russia and Georgia resulted in civilian and military causalities, the violation of Georgia's sovereignty and territorial integrity, and increased the number of internally displaced persons there;

Whereas large numbers of the Georgian population remain forcefully displaced from the Abkhazia and South Ossetia regions of Georgia as a result of the August 2008 military conflict as well as the earlier conflicts in the 1990s;

Whereas since 1993, the territorial integrity of Georgia has been reaffirmed by the international community in 36 United Nations Security Council resolutions;

Whereas the August 12, 2008, ceasefire agreement negotiated by the European

Union Presidency and agreed to by the Presidents of Georgia and the Russian Federation, provides that all Russian troops shall be withdrawn to pre-conflict positions;

Whereas the Russian Federation opposed consensus on the extension of the Organization for Security and Cooperation in Europe (OSCE) Mission to Georgia, vetoed the extension of the United Nations Observer Mission in Georgia (UNOMIG) and blocked the work of the European Union Monitoring Mission (EUMM) in the occupied Georgian regions of Abkhazia and South Ossetia;

Whereas the United States supports Georgia's independence, sovereignty, and territorial integrity within the internationally recognized borders of Georgia;

Whereas Secretary of State Hillary Rodham Clinton stated in Tbilisi on July 5, 2010, that, ''We continue to call for Russia to abide by the August 2008 ceasefire commitment. . .including ending the occupation and withdrawing Russian troops from South Ossetia and Abkhazia to their pre-conflict positions'';

Whereas the White House released a Fact Sheet on July 24, 2010, calling for ''Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia. . .'' and for ''a return of international observers to the two occupied regions of Georgia'';

Whereas Vice President Joseph Biden stated in Tbilisi in July 2009 that the United States ''will not recognize Abkhazia and South Ossetia as independent states'';

Whereas Human Rights Watch concluded in its 2011 World Report that ''Russia continued to exercise effective control over South Ossetia and Abkhazia, preventing international observers' access and vetoing international missions working there'';

Whereas Human Rights Watch concluded in its 2011 World Report that ''Russia continued to occupy Georgia's breakaway regions of South Ossetia and Abkhazia and strengthened its military presence in the region by establishing a military base and placing an advanced surface-to-air missile system in Abkhazia'';

Whereas the Senate of the 112th United States Congress adopted a resolution in July 2011 affirming the United States' support for the sovereignty, independence, and territorial integrity of the country of Georgia and calling upon Russia to remove its occupying forces from Abkhazia and South Ossetia;

Whereas the United States Helsinki Commission called Russia to cease its continuing, illegal occupation of the South Ossetia and Abkhazia regions of Georgia and allow those who fled their homes during the 2008 war to go back without preconditions;

Whereas the Russian Federation therefore remains in violation of August 12, 2008, ceasefire agreement;

Whereas at the April 15, 2011, meeting in Berlin, Germany, between the Georgia foreign minister and foreign ministers of NATO, Secretary of State Clinton stated, ''U.S. support for Georgia's sovereignty and territorial integrity remains steadfast . . . . We share Georgian concerns regarding recent Russian activities that can negatively affect regional stability.'';

Whereas on November 23, 2010, Georgian President Mikheil Saakashvili committed before the European Parliament that ''Georgia will never use force to restore its territorial integrity and sovereignty'';

Whereas the Government of Georgia, beginning with the Rose Revolution of 2003, has taken significant steps toward promoting democratic and economic reforms;

Whereas in October 2012, Georgia will hold its seventh parliamentary elections since the country gained independence from the Soviet Union in 1991, and prospective presidential elections in 2013 to which the Government of Georgia has invited international election observers;

Whereas Georgia has initiated positive developments and commitments in the areas of constitutional reforms, strengthening the role of Parliament, and utilizing international election organizations and transparency;

Whereas the Head of the OSCE/ODIHR long-term Election Observation Mission determined that Georgia's May 2010 municipal elections ''were marked by clear improvements and efforts by the authorities to address problems occurring during the process. It is now time to fix the remaining shortcomings and take effective steps to prevent electoral malpractices before the next elections at the national level.''; and

Whereas recognizing that members of NATO share a common adherence to democratic norms, Georgia can best prepare itself for membership by progressing on its democratic reform agenda and ensuring that upcoming parliamentary and presidential elections are free, fair, and competitive: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports strengthened United States engagements with the Republic of Georgia aimed at helping Georgia enhance its security and to restore its territorial integrity through exclusively peaceful means;

(2) supports the implementation of the United States-Georgia Charter on Strategic Partnership, with a mutual desire to strengthen the bilateral relationship across political, economic, trade, energy, cultural, scientific, people-to-people, defense, and security fields;

(3) supports Georgia's North Atlantic Treaty Organization (NATO) membership aspirations and to advance further implementation of decisions taken by the allies at the NATO Summits in Bucharest, Strasbourg and Kehl, and Lisbon with regard to Georgia's NATO membership;

(4) affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders, and to recognize Abkhazia and South Ossetia as regions of Georgia illegally occupied by the Russian Federation and calls on the Russian Federation to fulfill all terms and conditions of the August 12, 2008, ceasefire agreement, to end the occupation of the Georgian territories of Abkhazia and South Ossetia, and to withdraw completely its troops from the internationally recognized border of Georgia;

(5) calls upon the Russian Federation, Venezuela, Nicaragua, Tuvalu, and Nauru to reverse the recognition of the occupied Georgian regions of Abkhazia and South Ossetia as independent and respect the independence, sovereignty, and territorial integrity of Georgia within its internationally recognized borders;

(6) supports the Government of Georgia's commitment to a policy of peaceful, constructive engagement and confidence building measures towards the occupied territories and encourages it to continue to uphold economic and human rights, ensure freedom of movement, facilitate people-to-people contacts, and to preserve cultural heritage, language, and ethnic identity aimed at reconciling divided communities of the Georgian regions of Abkhazia and South Ossetia;

(7) urges the Government of Russia and the authorities in control in the regions to allow for the full and dignified, secure, and voluntary return of internally displaced persons and international missions access to the regions of Abkhazia and South Ossetia;

(8) recognizes progress on government transparency and economic reforms and encourages Georgia to continue strengthening its democracy by implementing reforms that expand media transparency and freedoms, increase government transparency, accountability, and responsiveness, promote political competition and democratic electoral processes, strengthen the rule of law and judicial independence, and further implement judicial reforms; and

(9) affirms that a peaceful resolution to the conflict is a key priority for the United States in the Caucasus region, and that lasting regional stability can only be achieved through peaceful means and long-term diplomatic and political dialogue between all parties.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

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

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

In the last decade, the Republic of Georgia has worked hard to implement a series of political, economic, and social reform aimed at establishing a democratic and prosperous society. These changes have often been difficult and even controversial, but the Georgian Government and its people must be commended for continuing to move forward. However, there is still much to be done.

Soon, in the next few months, there will be parliamentary and presidential elections. Much is riding on these elections being perceived to be free and fair and conducted in full compliance with international democratic standards. The U.S. strongly supports Georgia's membership in NATO, and the alliance has repeatedly stated that the Republic of Georgia will one day be welcomed as a full member.

Free and fair elections, Mr. Speaker, are fundamental to further progress toward Georgia's joining NATO. Nevertheless, Georgia is already contributing greatly to the alliance, particularly to the NATO mission in Afghanistan, where it is the second largest non-NATO contributor.

Georgia's deployed forces in Afghanistan number over 800 troops, and these do not have restrictions on their engagement in combat, which is not the case with so many other allies. Georgia has done this even as its own security situation remains precarious, given the ongoing presence by Russian troops in several regions in Georgia.

Until Russia fulfills the conditions in its 2008 cease-fire agreement, the instability and conflict it has deliberately

created will, unfortunately, continue. Russia's aggression against Georgia poses a threat to the security of the entire region. This resolution, therefore, sends a strong message that Russian actions and continued military presence in these areas are unacceptable and must end immediately.

I therefore urge my colleagues to join me in support of this important resolution.

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

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

I rise in strong support of H. Res. 526, and I would like to thank the sponsors of this legislation, the gentleman from Pennsylvania (Mr. SHUSTER) and my colleague from the Foreign Affairs Committee, Ms. SCHWARTZ, also from Pennsylvania, for their leadership on this issue.

This resolution expresses the sense of the House of Representatives with respect to the establishment of the democratic and prosperous Republic of Georgia within its internationally recognized borders, which includes Abkhazia and South Ossetia as regions of Georgia. It is time for Russia to remove its occupying forces from Abkhazia and South Ossetia and comply fully with the August 12, 2008, cease-fire agreement. It is also time for the Russian Federation, Venezuela, Nicaragua, Tuvalu, and Nauru to revoke their recognition of the Georgian regions as independent states and respect Georgia's sovereignty. The territorial integrity of Georgia has been reaffirmed by the international community multiple times in United Nations Security Council resolutions.

I commend Georgia for its commitment to a peaceful reunification of its territories and its engagement in constructive confidence-building measures towards the occupied territories aimed at reconnecting the divided communities.

Georgia has had success in laying the foundation for a liberal, democratic state, and I urge the Government of Georgia to consolidate its impressive accomplishments since the 2003 Rose Revolution. The reforms needed to strengthen Georgia's nascent democracy are well-known: an independent judiciary, respect for human rights and the rule of law, a vibrant civil society, independent media, accountable and transparent policymaking, and a balance of power between the executive and legislative branches. These reforms will be the strongest guarantor of Georgia's independence and prosperity.

Ahead of us, the October 1 parliamentary elections can serve as yet another important benchmark of the deepening democratic process in Georgia. These will be followed by presidential elections. A step backwards would not only be a blow to the development of Georgia's democracy but, ultimately, to its independence.

There have been some disturbing reports concerning efforts to prevent some political leaders from running in the parliamentary election and attempts to intimidate local opposition, including denying them access to media. These issues must be addressed in order to ensure that Georgia has truly free and fair elections.

With this resolution today, we affirm that the United States remains committed to the sanctity of Georgia's sovereignty and independence and to the inviolability of its federation and its internationally recognized borders. We also remind Georgia of the opportunity it has next month to solidify Georgia's democracy by ensuring free and fair elections.

Let me say, on a personal note, that I am very proud of the relationship between the United States and Georgia, and I would look forward to a day when Georgia is a member of the European Union and also a member of NATO. I think that the West must not overlook its commitments in Georgia simply because we may wish to have better relations with Russia.

We can never cast aside democratic principles because they happen to be inconvenient at the time. We should stand with the nation of Georgia and let the world know, including Russia, that we stand by their democracy and will not allow any slipping backwards and will not allow Russian hegemony in the area.

We stand by a free and independent Georgia, so I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), who is the chairman of the Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials, a member of the Armed Services Committee, and, more importantly, the author of the measure before us.

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of House Resolution 526, which expresses the sense of the House of Representatives toward the establishment of a democratic and prosperous Republic of Georgia and the establishment of a peaceful and just resolution to the conflict with Georgia's internationally recognized borders. I also want to stand with the ranking member for his support of Georgia. We need to stand by a democratic Georgia, a great ally of ours.

As the cochair of the Congressional Georgia Caucus, I was proud to sponsor this resolution along with my cochair and fellow Pennsylvanian, Congresswoman ALLYSON SCHWARTZ.

Our strategic partnership with Georgia is based on shared values and common interests. A democratic and stable Republic of Georgia is in the political security and economic interests of the United States.

Georgian troops have played an important role in a variety of challenging missions across the globe, including Kosovo, Iraq, and today in Afghanistan. In fact, they just brought home 900 Georgian troops and are going to re-up with 1700 troops.

While that doesn't seem like a lot, 1,700, when we have over 80,000, but when you look at a small country like Georgia with 5 million people, sending 1,700 troops is the equivalent of the United States of America sending over 100,000 troops. They have proven to be a reliable ally.

The level of their professionalism, as well as their sacrifices in the mission in which they have been involved so far, clearly demonstrates that Georgia has much to bring to the table as a future member of NATO and as a reliable ally.

Internally, Georgia has worked to develop its democratic and market-based economic institutions for over a decade.

The August 2008 war with Russia nearly halted the economic development, depleted public resources, drove up unemployment, and left a severe humanitarian crisis in its wake. A peaceful resolution to the conflict is a key priority for the United States in the Caucasus region, which is home to another one of our strong allies, Azerbaijan. Lasting regional stability can only be achieved through peaceful means and long-term diplomatic and political dialogue between all the parties.

□ 1520

It is also timely that we consider this resolution today, as Georgia is scheduled to hold parliamentary elections on October 1. Georgia has put a robust system in place to support a free and fair electoral process. These elections will be an important test to Georgia's democracy and represent a chance for all Georgians to show the world how far they have come in this last decade.

I urge my colleagues to join me in supporting this important resolution today to express our support for one of our best and most important allies, the Republic of Georgia.

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

Let me say in conclusion I am glad that we have cooperation, as we generally do, in the Foreign Affairs Committee for working together on these issues. But I just want to say that I wish we had more cooperation in working together on some of the other issues of the day.

We are leaving town in 2 days without enacting into law middle class tax cuts, the farm bill, the Violence Against Women Act, a responsible deficit reduction. Those are the priorities that are urgent, and we should be working on them right now in a bipartisan way—the way we are working on these issues. The American people cannot afford a Congress that refuses to act on issues critical to middle class families, small businesses, farmers, and women. So I just want to urge the Republican leadership to let us stay in

town and complete work and work together for the betterment of the American people, the way we are doing with these three resolutions.

With that, I yield back the balance of my time.

Ms. ROS-LEHTINEN. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey, Mr. Speaker, I am pleased to support H. Res. 526, which calls for the establishment of a democratic and prosperous Republic of Georgia and a peaceful and just resolution of Georgia's conflict with its breakaway regions, Abkhazia and South Ossetia.

Our country has always backed Georgia's territorial integrity. After Russia's 2008 invasion of Georgia, Moscow essentially truncated Georgia by recognizing the independence of Abkhazia and South Ossetia. Tellingly, no other OSCE state—not even former Soviet republics economically dependent on Russia—has followed Moscow's example, understanding well the danger of the precedent. Secretary Clinton has designated Russia's policy in Abkhazia and South Ossetia as ''occupation.'' Indeed, Moscow has pursued the ongoing militarization of these regions, which are clearly Georgian territory.

In a remarkable admission, Russian President Vladimir Putin said on August 8 that Russia had a contingency plan as early as 2006–2007 for war with Georgia and that Moscow had even trained militiamen in South Ossetia. As Georgia's Foreign Ministry notes, Putin's acknowledgement contradicts ''Russia's earlier assertions that its 2008 military attack was in response to a surprise attack from Georgia and that its invasion was meant to prevent genocide and protect Russian citizens. It also underscores the premeditated nature of the invasion and highlights Moscow's utter disregard for international law.''

The United States will continue to back Georgia's territorial integrity. I stand with Georgia's Government in calling on Russia to remove its occupying forces and pledge not to use force against Georgia. I also note with concern the troubling military exercises Russia has scheduled to coincide with Georgia's parliamentary elections in October in a blatant attempt at intimidation.

The upcoming election will be a critical moment in Georgia's democratic development. I hope the OSCE will be able to assess the election as free and fair. The United States stands ready to help Georgia progress towards democracy, as H. Res. 526 demonstrates.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 526, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONFIRMING FULL OWNERSHIP RIGHTS TO ARTIFACTS FROM ASTRONAUTS' SPACE MISSIONS

Mr. HALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4158) to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4158

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

SECTION 1. DEFINITION OF ARTIFACT.

For purposes of this Act, the term ''artifact'' means, with respect to an astronaut described in section 2(a), any expendable item utilized in missions for the Mercury, Gemini, or Apollo programs through the completion of the Apollo-Soyuz Test Project not expressly required to be returned to the National Aeronautics and Space Administration at the completion of the mission and other expendable, disposable, or personal-use items utilized by such astronaut during participation in any such program. The term includes personal logs, checklists, flight manuals, prototype and proof test articles used in training, and disposable flight hardware salvaged from jettisoned lunar modules. The term does not include lunar rocks and other lunar material.

SEC. 2. FULL OWNERSHIP OF ARTIFACTS.

(a) IN GENERAL.—A United States astronaut who participated in any of the Mercury, Gemini, or Apollo programs through the completion of the Apollo-Soyuz Test Project, who received an artifact during his participation in any such program, shall have full ownership of and clear title to such artifact.

(b) NO FEDERAL GOVERNMENT CLAIM.—The Federal Government shall have no claim or right to ownership, control, or use of any artifact in possession of an astronaut as described in subsection (a) or any such artifact that was subsequently transferred, sold, or assigned to a third party by an astronaut described in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HALL) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 4158, the bill now under consideration.

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

There was no objection.

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

I want to begin by thanking members of the Science, Space, and Technology Committee, Republicans and Democrats, for their bipartisan support of this legislation. I especially want to commend my good friends LAMAR SMITH and EDDIE BERNICE JOHNSON for their help and for their early support.

H.R. 4158 would confirm full ownership rights to our Nation's first generation of astronauts who flew during the Mercury, Gemini, and Apollo era and who received or were allowed to retain artifacts, mementos, and other personal equipment from their missions. H.R. 4158 covers all flights beginning in 1961 through the Apollo-Soyuz Test Project, which flew in July of 1975.

From the first days of our manned spaceflight program through the Apollo-Soyuz Test Project, at the conclusion of a mission NASA managers routinely allowed astronauts to keep mementos of their flights. In some instances, astronauts were also given certain pieces of expendable equipment. The range of items included space suit emblems, expendable space suits, checklists, flight manuals, and disposable flight hardware salvaged from the jettisoned lunar landers.

A majority of these items have been in the personal possession of the astronauts for 40 years or more. Over the last decade, NASA has begun to challenge the astronauts' ownership of these mementos. This issue was first brought to my attention late last year. I was surprised to learn that NASA had, on an irregular basis, intervened several times to claim ownership.

Early this year, NASA Administrator Bolden met with a small group of astronauts to discuss the agency's artifacts policy. Following the meeting, through NASA's press office, Administrator Bolden issued a statement saying:

These are American heroes, fellow astronauts, and personal friends who have acted in good faith, and we have committed to work together to find the right policy.

He went on to say:

I believe there have been fundamental misunderstandings and unclear policies regarding items from the Mercury, Gemini, Apollo, and Skylab programs, and NASA appreciates the position of the astronauts, museums, learning institutions, and others who have these historic artifacts in personal and private collections.

This bill seeks to eliminate in any further ambiguity about Apollo-era artifacts that were received by the astronauts. It simply says that astronauts who flew through the end of the Apollo program will be granted full right of ownership of any artifacts received from their missions. If we don't pass this bill, the artifacts and the astronauts face huge financial risks arising from donations, gifts, and sales already completed.

These men are heroes. They're great heroes. Sadly, we had to say good-bye to one of these heroes just last week. They took extraordinary risks to establish American preeminence in space and, by doing so, helped our country become a world leader. I think it's a miscarriage of justice that today NASA should seek return of these very same mementos and keepsakes.

I reserve the balance of my time.

[From NASA News, Jan. 9, 2012]

NASA ADMINISTRATOR MEETS WITH APOLLO ASTRONAUTS; AGENCY WILL WORK COOPERATIVELY TO RESOLVE ARTIFACT OWNERSHIP ISSUES

(By David Weaver and Bob Jacobs)

WASHINGTON, DC.—The following is a statement from NASA Administrator Charles Bolden regarding the ownership of early space exploration mementos and artifacts:

''Earlier today, I had a good meeting with former Apollo astronauts Jim Lovell, Gene

Cernan, Charlie Duke, Rusty Schweickart and other representatives of former astronauts and agency personnel, where we discussed how to resolve the misunderstandings and ownership questions regarding flight mementos and other artifacts.

''These are American heroes, fellow astronauts, and personal friends who have acted in good faith, and we have committed to work together to find the right policy and legal paths forward to address outstanding ownership questions.

''I believe there have been fundamental misunderstandings and unclear policies regarding items from the Mercury, Gemini, Apollo and Skylab programs, and NASA appreciates the position of the astronauts, museums, learning institutions and others who have these historic artifacts in personal and private collections.

''We also appreciate their patience and will explore all policy, legislative and other legal means to resolve these questions expeditiously and clarify ownership of these mementos, and ensure that appropriate artifacts are preserved and available for display to the American people.''

AUGUST 16, 2012.

Hon. RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR CONGRESSMAN HALL: The recent discourse by NASA and the Congress regarding the disposition of artifacts carried on U.S. space flights in the possession of U.S. astronauts has come to my attention and resulted in a discussion between myself and Ms. Shana Dale of your office. She requested that I write a brief summary of the policy we utilized to deal with the issue of personal items to be carried by the flight crews that would later be disseminated or given as gifts to their family, friends and or associates. This policy also dealt with personal articles and other equipment used by the astronauts during the flight.

It should be noted that this policy was in effect during all of the Mercury, Gemini, Apollo and Skylab programs. However, after the questionable behavior of the astronauts regarding other carried articles to be sold or distributed for financial gain on the flight of Apollo 15, the policy was revised and more stringently administered by the NASA management.

Donald K. Slayton, Assistant Director for Flight Crew Operations was the principal NASA manager for implementing this policy with the approval of the Director of the Manned Spacecraft Center (later the Johnson Space Center) and after Apollo 15 the concurrence of the NASA Administrator.

The enclosure summarizes the policy discussed above.

Respectfully,
CHRISTOPHER C. KRAFT, JR.,
Retired Director,
NASA Johnson Space Center.

AUGUST 16, 2012.

A summary of the NASA policy regarding the astronauts permission to carry personal mementos on the space vehicles they flew and the disposition of equipment on board these vehicles deemed by NASA to be expendable.

Starting with Project Mercury, NASA astronauts were granted permission to carry specific mementos on the spacecraft they flew. These items were required to be listed and approved by the Director of Flight Crew Operations. The items had to be within a given weight limit and submitted for proper wrapping and storage by the pad support technicians. The astronauts were allowed to disseminate these mementos as they so desired.

As the space program advanced from Mercury through Apollo the requirements for carrying mementos was altered to assure the weight and the safety met the specific requirements of each program. Further, the Apollo 1 accident demanded a more stringent review of the items and their containment because of the sensitivity of the materials involved relative to combustibility and outgasing.

When the flights increased in orbital time and certain personal items became expendable the astronauts were granted permission to retain certain personal items such as shaving equipment, underwear, thermal cooling under garments, notebooks and even heavily used and expendable space suits.

As the complexity of the spacecraft increased, certain items on board the vehicles had particular relevance and meaning to the astronauts and they requested and received permission to keep these pieces of equipment on a case by case basis. In many cases this required a review by agencies such as the Smithsonian Institute since they had the over all responsibility for the U.S. of retaining the equipment that had historical significance. Such items as hand controllers, hand held cameras and computers were in this category.

It should be noted that in all of the space flights made, items such as flags, plaques and so forth were carried for use by NASA and the U.S. government. These items received a wide distribution and in some cases were given to the astronauts who flew the flight by request for many purposes including gifts to NASA personnel.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield myself such time as I may consume.

I rise in support of H.R. 4158, to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions, and I thank the leadership of Mr. HALL and all of the cosponsors.

This is a necessary bill which will protect our iconic early astronauts from needless harassment. This bill will ensure that any U.S. astronaut who participated in the historic Mercury, Gemini, or the Apollo programs will be able to keep the space artifacts which are still in their possession from those missions.

At the time of these missions, it was accepted practice that astronauts could keep expendable equipment like checklists and hygiene kits as mementos of their missions. However, this was an informal policy, and those astronauts lacked paperwork establishing ownership over these items.

This bill will protect those astronauts from any claims made by the Federal Government regarding any of these artifacts. Further, the bill protects our national interest by ensuring that any lunar rocks or other lunar material remain property of the United States.

While I do support this bill and its passage today, I would be remiss if I didn't express my concern about a possible omission. This bill does not cover any of the shuttle-era astronauts. The first American woman in space and the first African American in space were both exclusively shuttle-era astronauts, and there were many other notable astronauts during this era.

□ 1530

I think these astronauts are no less national heroes than the Apollo-era astronauts and also no less deserving of that protection.

Now, I understand this is a more difficult issue since NASA has not been able to identify when its own internal policies changed regarding astronaut artifacts. But I do think we need to figure that out and then address those astronauts' situation as soon as possible.

I do want to thank Mr. HALL for his leadership and for working with all of us on this bill, and I reserve the balance of my time.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO), the chairman of the Space and Aeronautics Subcommittee.

Mr. PALAZZO. Mr. Speaker, I rise in strong support of H.R. 4158. This legislation will resolve a conflict that has emerged within NASA over the last decade regarding the ownership of artifacts from the Mercury, Gemini, and Apollo programs. Left unresolved, as Chairman HALL pointed out, astronauts, their families, and those to whom they transferred, donated, or sold artifacts may not have clear title to them. If NASA persists in its efforts to reacquire these items that were initially received by the astronauts 40 years or more ago, significant financial consequences could befall them.

In the 1960s, as NASA began the Mercury program, agency managers allowed astronauts to carry a small number of mementos in their spacecraft. As the spacecraft became larger and larger and mission duration increased, the agency's policy evolved to allow astronauts to retain expendable personal gear such as shaving equipment, undergarments, notebooks, and expendable space suits.

During the lunar landing phase of the Apollo program, the policy further changed to allow astronauts to retrieve from the lunar lander certain pieces of hardware that would have been destroyed had it remained in the lander.

With full knowledge and consent of program managers, the astronauts were allowed to fly personal mementos as well as retain certain pieces of equipment. It is incredible to me that NASA now wants to penalize those who acted in good faith by attempting to retrieve these items.

H.R. 4158 is a necessary bill to bring closure to the debate and uncertainty regarding ownership of a small class of space artifacts. I urge all Members to support this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I want to thank my good friend and Texas colleague, Science, Space and Technology Committee Chairman RALPH HALL, for taking the lead on

this bill and bringing it to the floor today. My hope is that after the House passes this bill the Senate will act quickly and send it to the President for his signature.

The problem this bill addresses is to confirm the ownership of mementoes the Apollo astronauts received from their journeys. I was first contacted one year ago about this problem by my constituent, Apollo 16 moonwalker Charlie Duke, who now lives in New Braunfels, Texas and also chairs the Astronaut Scholarship Foundation.

The Scholarship Foundation is one of the beneficiaries from the sale of such artifacts, and they have provided over $3 million in scholarships to college students studying science and engineering so they too can aspire to be astronauts.

At the end of the Apollo program, these mementoes were deemed to be of little value, and NASA was simply going to throw many of these items in the trash heap of history—checklists with scribbled equations and calculations in the margins, a camera and other personal effects the Apollo astronauts were offered to keep for themselves.

However, in the intervening 40 years, these mementoes took on a greater historical context, just like mementoes from past wars or famous people take on greater significance. Unfortunately, over-zealous NASA and the Justice Department lawyers recently started filing law suits against Apollo astronauts—our American heroes—and started questioning their integrity.

This is wrong. And this bill clarifies the ownership of these artifacts in the possession of our astronauts.

Chairman HALL, thank you for doing the right thing—once again—for our astronauts.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill, H.R. 4158.

The question was taken.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

VETERANS FIDUCIARY REFORM AND HONORING NOBLE SERVICE ACT

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5948) to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5948

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Fiduciary Reform and Honoring Noble Service Act''.

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

SEC. 2. IMPROVEMENT OF FIDUCIARIES FOR VETERANS.

(a) APPOINTMENT AND SUPERVISION.—

(1) Section 5502 of title 38, United States Code, is amended to read as follows:

''§ 5502. Appointment of fiduciaries

''(a) APPOINTMENT.—(1) Where it appears to the Secretary that the interest of the beneficiary would be served thereby, payment of benefits under any law administered by the Secretary may be made directly to the beneficiary or to a relative or some other fiduciary for the use and benefit of the beneficiary, regardless of any legal disability on the part of the beneficiary.

''(2) When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the benefits provided to the beneficiary under any law administered by the Secretary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.

''(b) APPEALS.—(1) If the Secretary determines a beneficiary to be mentally incompetent for purposes of appointing a fiduciary under this chapter, the Secretary shall provide such beneficiary with a written statement detailing the reasons for such determination.

''(2) A beneficiary whom the Secretary has determined to be mentally incompetent for purposes of appointing a fiduciary under this chapter may appeal such determination.

''(c) MODIFICATION.—(1) A beneficiary for whom the Secretary appoints a fiduciary under this chapter may, at any time, request the Secretary to—

''(A) remove the fiduciary so appointed; and

''(B) have a new fiduciary appointed.

''(2) The Secretary shall comply with a request under paragraph (1) unless the Secretary determines that the request is not made in good faith.

''(3) The Secretary shall ensure that any removal or new appointment of a fiduciary under paragraph (1) does not delay or interrupt the beneficiary's receipt of benefits administered by the Secretary.

''(d) INDEPENDENCE.—A fiduciary appointed by the Secretary shall operate independently of the Department to determine the actions that are in the interest of the beneficiary.

''(e) PREDESIGNATION.—A veteran may predesignate a fiduciary by—

''(1) submitting written notice to the Secretary of the predesignated fiduciary; or

''(2) submitting a form provided by the Secretary for such purpose.

''(f) APPOINTMENT OF NON-PREDESIGNATED FIDUCIARY.—If a beneficiary designates an individual to serve as a fiduciary under subsection (e) and the Secretary appoints an individual not so designated as the fiduciary for such beneficiary, the Secretary shall notify such beneficiary of—

''(1) the reason why such designated individual was not appointed; and

''(2) the ability of the beneficiary to modify the appointed fiduciary under subsection (c).

''(g) PRIORITY OF APPOINTMENT.—In appointing a fiduciary under this chapter, if a beneficiary does not designate a fiduciary pursuant to subsection (e), to the extent possible the Secretary shall appoint a person who is—

''(1) a relative of the beneficiary;

''(2) appointed as guardian of the beneficiary by a court of competent jurisdiction; or

''(3) authorized to act on behalf of the beneficiary under a durable power of attorney.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 38, United States Code, is amended by striking the item relating to section 5502 and inserting the following:

''5502. Appointment of fiduciaries.''.

(b) SUPERVISION.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by inserting after section 5502, as amended by subsection (a)(1), the following new section:

''§ 5502A. Supervision of fiduciaries

''(a) COMMISSION.—(1)(A) In a case in which the Secretary determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of a beneficiary, the Secretary may authorize a fiduciary appointed by the Secretary to obtain from the monthly benefits provided to the beneficiary a reasonable commission for fiduciary services rendered, but the commission for any month may not exceed the lesser of the following amounts:

''(i) The amount that equals three percent of the monthly monetary benefits under laws administered by the Secretary paid on behalf of the beneficiary to the fiduciary.

''(ii) $35.

''(B) A commission paid under this paragraph may not be derived from any award to a beneficiary regarding back pay or retroactive benefits payments.

''(C) A commission may not be authorized for a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services for benefits under this title on behalf of the beneficiary.

''(D) In accordance with section 6106 of this title, a commission may not be paid to a fiduciary if the Secretary determines that the

fiduciary misused any benefit payments of a beneficiary.

''(E) If the Secretary determines that the fiduciary has misused any benefit or payments of a beneficiary, the Secretary may revoke the fiduciary status of the fiduciary.

''(2) Where, in the opinion of the Secretary, any fiduciary receiving funds on behalf of a Department beneficiary is acting in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the beneficiaries, the Secretary may refuse to make future payments in such cases as the Secretary may deem proper.

''(b) COURT.—Whenever it appears that any fiduciary, in the opinion of the Secretary, is not properly executing or has not properly executed the duties of the trust of such fiduciary or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are inequitable or in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then the Secretary may appear, by the Secretary's authorized attorney, in the court which has appointed such fiduciary, or in any court having original, concurrent, or appellate jurisdiction over said cause, and make proper presentation of such matters. The Secretary, in the Secretary's discretion, may suspend payments to any such fiduciary who shall neglect or refuse, after reasonable notice, to render an account to the Secretary from time to time showing the application of such payments for the benefit of such incompetent or minor beneficiary, or who shall neglect or refuse to administer the estate according to law. The Secretary may require the fiduciary, as part of such account, to disclose any additional financial information concerning the beneficiary (except for information that is not available to the fiduciary). The Secretary may appear or intervene by the Secretary's duly authorized attorney in any court as an interested party in any litigation instituted by the Secretary or otherwise, directly affecting money paid to such fiduciary under this section.

''(c) PAYMENT OF CERTAIN EXPENSES.—Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any fiduciary or other person for the purpose of payment of benefits payable under laws administered by the Secretary or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such benefits by such fiduciaries, or in connection with any other court proceeding hereby authorized, when such payment is authorized by the Secretary.

''(d) TEMPORARY PAYMENT OF BENEFITS.—All or any part of any benefits the payment of which is suspended or withheld under this section may, in the discretion of the Secretary, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary, to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is a patient nor apportioned to the veteran's dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the Secretary for the benefit of such beneficiary or the beneficiary's dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to the beneficiary if the beneficiary recovers and is found competent, or if a minor, attains majority, or otherwise to the beneficiary's fiduciary, or, in the event of the beneficiary's death, to the beneficiary's personal representative, except as otherwise provided by law; however, payment will not be made to the beneficiary's personal representative if, under the law of the beneficiary's last legal residence, the beneficiary's estate would escheat to the State. In the event of the death of a mentally incompetent or insane veteran, all gratuitous benefits under laws administered by the Secretary deposited before or after August 7, 1959, in the personal funds of patients trust fund on account of such veteran shall not be paid to the personal representative of such veteran, but shall be paid to the following persons living at the time of settlement, and in the order named: The surviving spouse, the children (without regard to age or marital status) in equal parts, and the dependent parents of such veteran, in equal parts. If any balance remains, such balance shall be deposited to the credit of the applicable current appropriation; except that there may be paid only so much of such balance as may be necessary to reimburse a person (other than a political subdivision of the United States) who bore the expenses of last sickness or burial of the veteran for such expenses. No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Secretary within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability.

''(e) ESCHEATMENT.—Any funds in the hands of a fiduciary appointed by a State court or the Secretary derived from benefits payable under laws administered by the Secretary, which under the law of the State wherein the beneficiary had last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such fiduciary, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Department, and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 38, United States Code, is amended by inserting after the item relating to section 5502 the following new item:

''5502A. Supervision of fiduciaries.''.

(c) DEFINITION OF FIDUCIARY.—Section 5506 of title 38, United States Code is amended—

(1) by striking ''For purposes'' and inserting ''(a) For purposes''; and

(2) by adding at the end the following new subsection:

''(b)(1) For purposes of subsection (a), the term 'person' includes any—

''(A) State or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities;

''(B) any State or local government agency with fiduciary responsibilities; or

''(C) any nonprofit social service agency that the Secretary determines—

''(i) regularly provides services as a fiduciary concurrently to five or more individuals; and

''(ii) is not a creditor of any such individual.

''(2) The Secretary shall maintain a list of State or local agencies and nonprofit social service agencies under paragraph (1) that are qualified to act as a fiduciary under this chapter. In maintaining such list, the Secretary may consult the lists maintained under section 807(h) of the Social Security Act (42 U.S.C. 1007(h)).''.

(d) QUALIFICATIONS.—Section 5507 of title 38, United States Code, is amended to read as follows:

''§ 5507. Inquiry, investigations, and qualification of fiduciaries

''(a) INVESTIGATION.—Any certification of a person for payment of benefits of a beneficiary to that person as such beneficiary's fiduciary under section 5502 of this title shall be made on the basis of—

''(1) an inquiry or investigation by the Secretary of the fitness of that person to serve as fiduciary for that beneficiary to be conducted in advance of such certification and in accordance with subsection (b);

''(2) adequate evidence that certification of that person as fiduciary for that beneficiary is in the interest of such beneficiary (as determined by the Secretary under regulations);

''(3) adequate evidence that the person to serve as fiduciary protects the private information of a beneficiary in accordance with subsection (d)(1); and

''(4) the furnishing of any bond that may be required by the Secretary, in accordance with subsection (f).

''(b) ELEMENTS OF INVESTIGATION.—(1) In conducting an inquiry or investigation of a proposed fiduciary under subsection (a)(1), the Secretary shall conduct—

''(A) a face-to-face interview with the proposed fiduciary by not later than 30 days after the date on which such inquiry or investigation begins; and

''(B) a background check of the proposed fiduciary to—

''(i) in accordance with paragraph (2), determine whether the proposed fiduciary has been convicted of a crime; and

''(ii) determine whether the proposed fiduciary will serve the best interest of the beneficiary, including by conducting a credit check of the proposed fiduciary and checking the records under paragraph (5).

''(2) The Secretary shall request information concerning whether that person has been convicted of any offense under Federal or State law. If that person has been convicted of such an offense, the Secretary may certify the person as a fiduciary only if the Secretary finds that the person is an appropriate person to act as fiduciary for the beneficiary concerned under the circumstances.

''(3) The Secretary shall conduct the background check described in paragraph (1)(B)—

''(A) each time a person is proposed to be a fiduciary, regardless of whether the person is serving or has served as a fiduciary; and

''(B) at no expense to the beneficiary.

''(4) Each proposed fiduciary shall disclose to the Secretary the number of beneficiaries that the fiduciary acts on behalf of.

''(5) The Secretary shall maintain records of any person who has—

''(A) previously served as a fiduciary; and

''(B) had such fiduciary status revoked by the Secretary.

''(6)(A) If a fiduciary appointed by the Secretary is convicted of a crime described in subparagraph (B), the Secretary shall notify the beneficiary of such conviction by not later than 14 days after the date on which the Secretary learns of such conviction.

''(B) A crime described in this subparagraph is a crime—

''(i) for which the fiduciary is convicted while serving as a fiduciary for any person;

''(ii) that is not included in a report submitted by the fiduciary under section 5509(a) of this title; and

''(iii) that the Secretary determines could affect the ability of the fiduciary to act on behalf of the beneficiary.

''(c) INVESTIGATION OF CERTAIN PERSONS.—(1) In the case of a proposed fiduciary described in paragraph (2), the Secretary, in conducting an inquiry or investigation under subsection (a)(1), may carry out such inquiry or investigation on an expedited basis that may include giving priority to conducting such inquiry or investigation. Any such inquiry or investigation carried out on such an expedited basis shall be carried out under regulations prescribed for purposes of this section.

''(2) Paragraph (1) applies with respect to a proposed fiduciary who is—

''(A) the parent (natural, adopted, or stepparent) of a beneficiary who is a minor;

''(B) the spouse or parent of an incompetent beneficiary;

''(C) a person who has been appointed a fiduciary of the beneficiary by a court of competent jurisdiction;

''(D) being appointed to manage an estate where the annual amount of veterans benefits to be managed by the proposed fiduciary does not exceed $3,600, as adjusted pursuant to section 5312 of this title; or

''(E) a person who is authorized to act on behalf of the beneficiary under a durable power of attorney.

''(d) PROTECTION OF PRIVATE INFORMATION.—(1) A fiduciary shall take all reasonable precautions to—

''(A) protect the private information of a beneficiary, including personally identifiable information; and

''(B) securely conducts financial transactions.

''(2) A fiduciary shall notify the Secretary of any action of the fiduciary that compromises or potentially compromises the private information of a beneficiary.

''(e) POTENTIAL MISUSE OF FUNDS.—(1) If the Secretary has reason to believe that a fiduciary may be misusing all or part of the benefit of a beneficiary, the Secretary shall—

''(A) conduct a thorough investigation to determine the veracity of such belief; and

''(B) if such veracity is established, transmit to the officials described in paragraph (2) a report of such investigation.

''(2) The officials described in this paragraph are the following:

''(A) The Attorney General.

''(B) Each head of a Federal department or agency that pays to a fiduciary or other person benefits under any law administered by such department of agency for the use and benefit of a minor, incompetent, or other beneficiary.

''(f) BOND.—In requiring the furnishing of a bond under subsection (a)(4), the Secretary shall—

''(1) ensure that any such bond is not paid using any funds of the beneficiary; and

''(2) consider—

''(A) the care a proposed fiduciary has taken to protect the interests of the beneficiary; and

''(B) the capacity of the proposed fiduciary to meet the financial requirements of the bond without sustaining hardship.

''(g) LIST OF FIDUCIARIES.—Each regional office of the Veterans Benefits Administration shall maintain a list of the following:

''(1) The name and contact information of each fiduciary, including address, telephone number, and email address.

''(2) With respect to each fiduciary described in paragraph (1)—

''(A) the date of the most recent background check and credit check performed by the Secretary under this section;

''(B) the date that any bond was paid under this section;

''(C) the name, address, and telephone number of each beneficiary the fiduciary acts on behalf of; and

''(D) the amount that the fiduciary controls with respect to each beneficiary described in subparagraph (C).''.

(e) ANNUAL RECEIPT OF PAYMENTS.—

(1) IN GENERAL.—Section 5509 of title 38, United States Code, is amended—

(A) in subsection (a)——

(i) by striking ''may require a fiduciary to file a'' and inserting '', subject to regulations prescribed pursuant to subsection (f), shall require a fiduciary to file an annual''; and

(ii) by adding at the end the following new sentence: ''The Secretary shall transmit such annual report or accounting to the beneficiary and any legal guardian of such beneficiary.'';

(B) by adding at the end the following new subsections:

''(c) MATTERS INCLUDED.—An annual report or accounting under subsection (a) shall include the following:

''(1) For each beneficiary that a fiduciary acts on behalf of—

''(A) the amount of the benefits of the beneficiary accrued during the year, the amount spent, and the amount remaining; and

''(B) if the fiduciary serves the beneficiary with respect to benefits not administered by the Secretary, an accounting of all sources of benefits or other income the fiduciary oversees for the beneficiary.

''(2) A list of events that occurred during the year covered by the report that could affect the ability of the fiduciary to act on behalf of the beneficiary, including—

''(A) the fiduciary being convicted of any crime;

''(B) the fiduciary declaring bankruptcy; and

''(C) any judgments entered against the fiduciary.

''(d) RANDOM AUDITS.—The Secretary shall annually conduct random audits of fiduciaries who receive a commission pursuant to subsection 5502A(a)(1) of this title.

''(e) STATUS OF FIDUCIARY.—If a fiduciary includes in the annual report events described in subsection (c)(2), the Secretary may take appropriate action to adjust the status of the fiduciary as the Secretary determines appropriate, including by revoking the fiduciary status of the fiduciary.

''(f) REGULATIONS.—(1) In prescribing regulations to carry out this section, the Secretary, in consultation with the Under Secretary for Benefits and the Under Secretary for Health, shall ensure that the care provided by a fiduciary described in paragraph (2) to a beneficiary is not diminished or otherwise worsened by the fiduciary complying with this section.

''(2) A fiduciary described in this paragraph is a fiduciary who, in addition to acting as a fiduciary for a beneficiary, provides care to the beneficiary pursuant to this title (including such care provided under section 1720G of this title).''; and

(C) by striking the section heading and inserting the following: ''**Annual reports and accountings of fiduciaries**''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 38, United States Code, is amended by striking the item relating to section 5509 and inserting the following new item:

''5509. Annual reports and accountings of fiduciaries.''.

(f) REPAYMENT OF MISUSED BENEFITS.—Section 6107(a)(2)(C) of title 38, United States Code, is amended by inserting before the period the following: '', including by the Secretary not acting in accordance with section 5507 of this title''.

(g) ANNUAL REPORTS.—Section 5510 of title 38, United States Code, is amended by striking ''The Secretary shall include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report'' and inserting ''Not later than July 1 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a separate report containing''.

(h) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' of the House of Representatives a comprehensive report on the implementation of the amendments made by this Act, including—

(1) detailed information on the establishment of new policies and procedures pursuant to such amendments and training provided on such policies and procedures; and

(2) a discussion of whether the Secretary should provide fiduciaries with standardized financial software to simplify reporting requirements.

SEC. 3. ESTABLISHMENT OF PLACE OF REMEMBRANCE AT ARLINGTON NATIONAL CEMETERY.

(a) ESTABLISHMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 446 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4727. Place of Remembrance at Arlington National Cemetery

''(a) ESTABLISHMENT AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may establish at an appropriate location in Arlington National Cemetery a Place of Remembrance for the interment of cremated specimens or other portion of the remains of a deceased member of the armed forces described in subsection (b) when one of the conditions specified in subsection (c) applies with respect to the remains of the member.

''(b) COVERED MEMBERS.—This section applies only with respect to members of the armed forces who die while on active duty—

''(1) in a war or contingency operation; or

''(2) in the line of duty, consistent with regulations prescribed by the Secretary of the Army with respect to burial at Arlington National Cemetery.

''(c) CONDITIONS ON INTERMENT OF REMAINS.—The conditions under which cremated specimens or other portion of the remains of a deceased member of the armed forces described in subsection (b) (including cremated specimens or other portion of remains believed by the Secretary concerned to be from the remains of the deceased member) are authorized to be interred in the Place of Remembrance are any of the following:

''(1) The remains are unidentified.

''(2) The person designated under section 1482(c) of this title to direct disposition of the remains of the member agrees to interment of the remains in the Place of Remembrance.

''(3) The person designated under section 1482(c) of this title to direct disposition of the remains of the member has indicated to the Secretary concerned that no further notification is required if a specimen or portion of the remains of the member is discovered.

''(4) When, especially in historical cases, the Secretary concerned determines that there is no one authorized to direct the disposition of the remains of the member and the Secretary concerned recommends interment of the remains in the Place of Remembrance.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4727. Place of Remembrance at Arlington National Cemetery.''.

(b) RETROACTIVE APPLICATION.—Section 4727 of title 10, United States Code, as added by subsection (a), applies with respect to any war or contingency operation in which members of the Armed Forces participated and covers members of the Armed Forces who died in the line of duty before the date of the enactment of this Act, consistent with regulations prescribed by the Secretary of the Army with respect to burial at Arlington National Cemetery.

SEC. 4. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

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

''(f) The Secretary shall furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran described in section 2414(b) of this title.''; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.''.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after such date.

SEC. 5. IMPROVED COMMUNICATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND MEDICAL EXAMINERS AND FUNERAL DIRECTORS.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors

''(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

''(1) Whether the deceased veteran was cremated.

''(2) The steps taken to ensure that the deceased veteran has no next of kin.

''(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran whom the Secretary determines—

''(1) that there is no next of kin or other person claiming the body of the deceased veteran; and

''(2) does not have sufficient resources to cover burial and funeral expenses.

''(c) DETERMINATION OF SUFFICIENT RESOURCES.—If the Secretary is unable to make a reasonable determination of the amount of the resources of a deceased veteran under subsection (b)(2), the Secretary shall deem such resources to be an amount that is not sufficient to cover burial and funeral expenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2413 the following new item:

''2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors.''.

(c) EFFECTIVE DATE.—Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 6. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at National Cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

SEC. 7. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES AND FROM RECEIVING CERTAIN FUNERAL HONORS.

(a) PROHIBITION AGAINST.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A person—

''(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

''(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

''(C) whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State, as the case may be).''.

(b) CONFORMING AMENDMENTS.—Section 2411(a)(2) of such title is amended—

(1) by striking ''or (b)(2)'' each place it appears and inserting '', (b)(2), or (b)(4)''; and

(2) by striking ''capital'' each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

SEC. 8. VETERANS FREEDOM OF CONSCIENCE PROTECTION.

Section 2404 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased individual at a national cemetery, the Secretary shall ensure that—

''(A) the expressed wishes of the next of kin or other agent of the deceased individual are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

''(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be used by the family of the deceased individual for contemplation, prayer, mourning, or reflection; and

''(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased individual may display any religious or other symbols chosen by the family.

''(2) Subject to regulations prescribed by the Secretary under paragraph (5), including such regulations ensuring the security of a national cemetery, the Secretary shall provide to any military or volunteer veterans honor guard, including such guards belonging to a veterans service organization or other non-governmental group that provides services to veterans, access to public areas of a national cemetery if such access is requested by the next of kin or other agent of a deceased individual whose interment or funeral, memorial service, or ceremony is being held in such cemetery.

''(3) With respect to the interment or funeral, memorial service, or ceremony of a deceased individual at a national cemetery, the Secretary shall notify the next of kin or other agent of the deceased individual of funeral honors available to the deceased veteran, including such honors provided by any military or volunteer veterans honor guard described in paragraph (2).

''(4) Any person aggrieved by a violation of this subsection or any regulation prescribed pursuant to this subsection may in a civil action in an appropriate Federal court obtain any appropriate relief against the Federal Government with respect to the violation. Standing to assert a claim or defense under this subsection shall be governed by the general rules of standing under Article III of the Constitution.

''(5) The Secretary shall prescribe regulations to carry out this subsection.''.

SEC. 9. PROVISION OF ACCESS TO CASE-TRACKING INFORMATION.

(a) IN GENERAL.—Chapter 59 of title 38, United States Code, is amended by adding at the end the following:

''§ 5906. Provision of access to case-tracking information

''(a) IN GENERAL.—(1) In accordance with subsection (b), the Secretary shall provide a covered employee with access to the case-tracking system to provide a veteran with information regarding the status of a claim submitted by such veteran, regardless of whether such employee is acting under a power of attorney executed by such veteran.

''(2) In providing a covered employee with access to the case-tracking system under paragraph (1), the Secretary shall ensure—

''(A) that such access—

''(i) is provided in a manner that does not allow such employee to modify the data contained in such system; and

''(ii) does not include access to medical records; and

''(B) that each time a covered employee accesses such system, the employee must certify that such access is for official purposes only.

''(b) PRIVACY CERTIFICATION COURSE.—The Secretary may not provide a covered employee with access to the case-tracking system under subsection (a)(1) unless the covered employee has successfully completed a certification course on privacy issues provided by the Secretary.

''(c) TREATMENT OF DISCLOSURE.—The access to information by a covered employee pursuant to subsection (a)(1) shall be deemed to be—

''(1) a covered disclosure under section 552a(b) of title 5; and

''(2) a permitted disclosure under regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

''(d) DEFINITIONS.—In this section:

''(1) The term 'case-tracking system' means the system of the Department of Veterans Affairs that provides information regarding the status of a claim submitted by a veteran.

''(2) The term 'covered employee' means—

''(A) an employee of a Member of Congress who assists the constituents of the Member with issues regarding departments or agencies of the Federal Government; or

''(B) an employee of a State or local governmental agency (including a veterans service officer) who, in the course of carrying out the responsibilities of such employment, assists veterans with claims for any benefit under the laws administered by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5906. Provision of access to case-tracking information.''.

SEC. 10. NOTIFICATION BY THE SECRETARY OF VETERANS AFFAIRS OF INDIVIDUALS WHOSE SENSITIVE PERSONAL INFORMATION IS INVOLVED IN A DATA BREACH.

(a) IN GENERAL.—Subchapter III of chapter 57 of title 38, United States Code is amended by inserting after section 5724 the following new section:

''§ 5724A. Data breach notification

''(a) NOTIFICATION REQUIREMENT.—Except as provided in subsection (d), in the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, by not later than 10 business days after the date on which the Secretary learns of the data breach, the Secretary shall notify the appropriate committees of Congress and each individual whose sensitive personal information is involved in the data breach is notified of the data breach. If the Secretary determines that providing such notification within 10 business days is not feasible due to circumstances necessary to accurately identify the individuals whose sensitive personal information is involved in the data breach or to prevent further breach or unauthorized disclosure and reasonably restore the integrity of the data system the Secretary shall provide such notification not later than 15 business days after the date on which the Secretary learns of the data breach.

''(b) CONTRACTS FOR DATA PROCESSING OR MAINTENANCE.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that the contractor agree to provide notification of data breaches in the same manner as required of the Secretary under subsection (a).

''(c) METHOD AND CONTENT OF NOTIFICATION.—(1) Notification provided to an individual under subsection (a) shall be provided clearly and conspicuously by one of the following methods:

''(A) Written notification.

''(B) Notification by email or other electronic means, if the Secretary's primary method of communication with the individual is by email or such other electronic means.

''(2) Regardless of the method by which notification is provided to an individual under paragraph (1), such notification shall include—

''(A) a description of the sensitive personal information involved in the data breach;

''(B) a telephone number that the individual may use, at no cost to the individual, to contact an appropriate employee of the Department to inquire about the data breach or the individual's sensitive personal information maintained by the Department;

''(C) notice that the individual is entitled to receive, at no cost to such individual, credit protection services under section 5724 of this title;

''(D) the toll-free contact telephone numbers and addresses for the major credit reporting agencies; and

''(E) a toll-free telephone number and website address whereby the individual may obtain information regarding identity theft.

''(d) NOTIFICATION OF GENERAL PUBLIC.—The Secretary, acting through the Office of Public Affairs of the Department, shall notify the general public concerning any data breach involving sensitive personal information by not later than 10 business days after the date on which the Secretary learns of the data breach, unless the Secretary determines that to do so is not feasible due to circumstances necessary to accurately identify the individuals whose sensitive personal information is involved in the data breach or to prevent further breach or unauthorized disclosure and reasonably restore the integrity of the data system, such notification shall be made as soon as possible.

''(e) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans Affairs' of the House of Representatives and the Committee on Veterans' Affairs of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5724 the following new item:

''5724A. Data breach notification.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a data breach occurring on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 11. LIMITATION ON BONUSES FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES WHO VIOLATE FEDERAL CIVIL LAWS OR REGULATIONS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 713. Limitation on bonuses

''(a) IN GENERAL.—(1) The Secretary shall ensure that no employee of the Department who, during any year, knowingly violates any law, regulation, or policy described in paragraph (2) receives a bonus for or during that year.

''(2) A law, regulation, or policy described in this paragraph is any of the following:

''(A) A Federal civil law or Federal regulation, including such civil laws or regulations covered under the Federal Acquisition Regulation and the Veterans Affairs Acquisition Regulation.

''(B) An internal policy of the Department.

''(b) CERTIFICATION.—The Secretary shall annually certify to Congress that each bonus awarded by the Secretary during the previous year was awarded in accordance with subsection (a)(1).

''(c) BONUS DEFINED.—For purposes of this section, the term 'bonus' includes—

''(1) a retention incentive;

''(2) a retention incentive payment;

''(3) a retention incentive award; and

''(4) any other incentive requiring approval from the Central Office Human Resource Service, the Chief Business Office Workforce Management, or the Corporate Senior Executive Management Office.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''713. Limitation on bonuses.''.

SEC. 12. LIMITATION ON AWARDS AND BONUSES TO EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

For each of fiscal years 2013 through 2017, the Secretary of Veterans Affairs may not pay more than $357,613,229 in awards or bonuses under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I might consume.

H.R. 5948, as amended, makes great strides towards protecting some of our Nation's most vulnerable veterans in improving the quality of other memorial benefits that our veterans have earned.

First and foremost, this bill will bring needed protections and reforms to our most vulnerable veterans. For far too long, bad actors in VA's fiduciary program have taken advantage of veterans in every part of this great Nation. When pressed on this issue by the committee, VA claimed that the program was fine and did not need any statutory changes.

This bill will help weed out those bad actors and implement the necessary oversight actions VA has failed to take while simplifying the confusing and burdensome requirements of those beneficiaries performing their jobs well on behalf of those veterans.

The VA fiduciary program is intended to administer benefits for veterans deemed incompetent to handle their own finances by the Department of Veteran Affairs fiduciary program. Numerous deficiencies within the program have been highlighted by the Veterans' Affairs Committee and brought to the VA's attention; yet the Department is continually slow to act and fix these systemic problems.

Among those problems are fiduciaries that are embezzling veterans' funds, refusing to pay a veteran's utility bills, fiduciaries taking more than the amount authorized by law as commission for services rendered, convicted felons appointed as fiduciaries, and fiduciaries telling veterans to conserve money by not running their air conditioning during the summer months.

Mr. Speaker, despite these tragic stories, VA maintains that its fiduciary program is, in fact, sound, an argument difficult to justify when earlier this month a couple pleaded guilty to stealing over $2 million from 49 veterans. I hate to tell you that this is not an isolated case. At the beginning of 2012, a U.S. district judge sentenced two VA-appointed fiduciaries to prison for stealing nearly $900,000 from 10 different veterans. In both cases, the fiduciaries used the stolen funds to go gambling, among other things.

The Veterans Fiduciary Reform and Noble Service Act makes much-needed

improvements to VA's fiduciary program by allowing veterans to appeal the appointment of a fiduciary, allowing a veteran to request that a new fiduciary be appointed when cause can be shown, and to designate a preferred fiduciary ahead of time, such as a family member.

The bill would also remove the profit motive for predatory fiduciaries by reducing the commission that's paid to them to a level in line with Social Security's program that's equivalent. Fiduciaries would have to undergo background checks, minimizing the chance for unqualified fiduciaries to enter the system. They'd also have to account in writing for their disbursement of a veteran's income on an annual basis, addressing another lapse in oversight the VA has failed to address.

Section 3 of the legislation designates a ''Place of Remembrance'' at Arlington National Cemetery to serve as a dignified final resting place for remains of veterans that may not otherwise have a final resting place. This section is in direct response to our learning last year that cremated remains were being taken from Dover Air Force Base to a landfill, a practice that took place over a 4-year period.

Sections 4, 5, and 6 aim to address an incident that happened at the Bushnell National Cemetery where a veteran with no known next of kin was buried in a cardboard box.

Section 4 requires the Secretary of Veterans Affairs to furnish an appropriate casket or urn for a deceased veteran with no known next of kin, where no other person claims the body, and the veteran lacks sufficient resources to cover burial and funeral expenses.

Section 5 improves the communication between the VA and funeral directors and the medical examiner's office by requiring the Secretary to ensure that any entity transporting the body of a deceased veteran to a national cemetery submits to VA whether the deceased veteran was cremated and whether or not steps were taken to ensure the deceased veteran has no next of kin.

Section 6 requires the Secretary to submit to both the House and Senate Committees on Veterans' Affairs a report within 180 days of enactment of this legislation detailing VA's compliance with industry standards for caskets and urns, including a description of the industry standards for caskets and urns and an assessment of compliance at the national cemeteries that are currently being administered by VA.

Section 7 of H.R. 5948, as amended, would bar convicted tier 3 sex offenders sentenced to a minimum of life in prison from burial in national veterans cemeteries and some State veterans cemeteries. Currently, those convicted of capital crimes are prohibited from such burial, and this will prohibit people convicted of an equally heinous crime from tarnishing the honor of veterans cemeteries.

Section 8 ensures that the explicit wishes of a veteran's family with regard to religious expressions are honored during interment or inurnment ceremonies at a VA national cemetery. Last year, officials at the Houston National Cemetery were accused of restricting religious speech at a ceremony.

□ 1540

While that specific incident was resolved in the courts, this section provides a legislative safeguard for all national cemeteries. Section 9 would allow County Veterans Service officers and some congressional employees access to read-only information regarding the status of a veteran's claim.

During a roundtable discussion between the committee and county veterans service officers, one of the main obstacles highlighted to answering veterans' questions was the lack of access to claims file information. Facilitating this additional level of assistance in the claims process is one simple step we can take to help veterans and potentially address the growing claims backlog.

Section 10, as amended, will improve protections to veterans whose sensitive information has been compromised by the VA. Now, veterans may not know right now that their personal information has been compromised for well over a month after it has occurred, but in this time of predatory identity theft, that's far too long and much damage could have taken place.

Section 11 of the bill adds a commonsense prohibition on the payment of bonuses to VA employees who violate Federal law, including Federal or VA acquisition regulations.

Section 12 rolls back the current average of nearly $400 million the VA annually pays out in bonuses and other incentives, findings that both the committee and VA's own inspector general show numerous cases of unjustified awards—often to employees with poor performance records—and significant retention incentives going to long-term employees who had publicly stated they were already preparing to retire while others around the country are taking steps to better manage their own budgets. It's time the VA does the very same.

With all of this, I want to urge my colleagues to join me in supporting H.R. 5948, as amended.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of the bill, H.R. 5948, which is a miniomnibus of veterans' measures that run the gamut of issues, such as improving the policy on notification of data breaches of veterans' personal information, to reforming of the Department of Veterans Affairs' fiduciary program, to ensuring that veterans with no known next of kin receive the dignified burial they deserve.

I thank all of the Members for their hard work on these measures, particularly Chairman MILLER and Ranking Mr. FILNER; Chairman RUNYAN of New Jersey and Mr. MCNERNEY of California, the chair and ranking member of the Disability Assistance and Memorial Affairs Subcommittee; Mr. JOHNSON of Ohio and Mr. DONNELLY of Indiana, chair and ranking member of the Oversight and Investigations Subcommittee. Their bipartisan work on the committee, along with the staff efforts, have helped ensure that the provisions of this bill are meaningful and sound for veterans on all fronts.

H.R. 5948 contains language from a bill introduced by Mr. DONNELLY which will significantly improve the VA's notification requirements following a data breach involving a veteran's sensitive personal information.

We must work harder to protect veterans' personal identifiable information, including their Social Security number. And rapid notification procedures when breaches occur will stem the tide of harm any veteran, their family, or a survivor has to incur.

In that same vein of protecting our veterans, this bill also contains a long-overdue overhaul of the VA fiduciary program. The additional provisions seek to ensure that our most vulnerable VA beneficiaries who cannot manage on their own are provided the utmost protections of their hard-earned benefits.

In my district, the number one concern among the constituents that are brought before my congressional offices deals with veterans issues. And I'm so pleased that H.R. 5948 includes a provision to grant county veterans service officers, other State and local employees, as well as staff of Members of Congress greater access to veterans' claims information and for tracking purposes.

I wholeheartedly support the mission of this measure and the work of our county veterans service officers and the tireless work of my staff, as I know other Members of Congress' staff, as it relates to veterans' issues.

Finally, this bill will establish a Place of Remembrance at Arlington National Cemetery for unidentified cremated remains of our servicemen and -women. This will ensure that not one of our veterans or servicemembers is left behind or forgotten.

Mr. Speaker, according to the Department of Defense, more than 48,000 servicemembers have been wounded in action while serving in the recent conflicts. Today, 18 veterans and servicemembers will take their lives by their own hands. These are sobering statistics. In caring for the injured men and women in uniform, we must continue to address their needs so they may live in dignity after their honorable military service.

I have only begun to name a few important provisions of this bill, and I want to thank the chairman for his work to bring this bill before the committee. I would urge my colleagues to support the bill, and I respectfully reserve the balance of my time.

Mr. MILLER of Florida. I want to thank Mr. MICHAUD for his fine work on this legislation and others that our committee has been involved in.

Mr. Speaker, one of the most important subcommittees within VA is Oversight and Investigations. That's why I asked the gentleman from Ohio (Mr. JOHNSON) to chair that subcommittee.

With that, I yield 2 minutes to the gentleman from Ohio on this bill.

Mr. JOHNSON of Ohio. Mr. Speaker, I am proud to sponsor the Veterans Fiduciary Reform and Noble Service Act. This important legislation will transform the VA's fiduciary program to better serve the needs of our most vulnerable veterans and their hardworking fiduciaries; but most importantly, it will protect veterans in the program from falling victim to deceitful and criminal fiduciaries.

Since our February hearing, hardly a week has gone by where the Oversight and Investigations Subcommittee has not been contacted about a fiduciary issue. Many of these issues have involved honest and hardworking fiduciaries who are caught in the rigid bureaucratic trap that is the VA's fiduciary program. This bill will go a long way toward making that unyielding bureaucracy more responsive to the needs of the veterans that it is supposed to serve.

We have heard many complaints about the requirement for fiduciaries to obtain a bond. While proper in some settings, it is inappropriate when it causes unnecessary hardship, such as a mother caring for her veteran son. This bill will require the VA to consider whether a bond is necessary and if it will adversely affect the fiduciary and the veterans he or she serves.

The Veterans Fiduciary Program and Noble Service Act will also direct VA's Under Secretaries for Health and Benefits to coordinate their efforts to ensure that fiduciaries caring for their loved ones are not overly burdened by redundant requirements.

Finally, Mr. Speaker, this bill aims to simplify annual reporting requirements. Currently, the VA does not have to review a fiduciary's annual accounting, and when it does, it places an onerous burden on those fiduciaries who are serving out of love, not for monetary gain. This bill will implement a straightforward annual accounting requirement and gives the VA the opportunity to audit fiduciaries whose accounting is suspect.

I'd like to thank my colleagues on the committee on both sides of the aisle for their work in this bipartisan effort.

Mr. MICHAUD. I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of New Jersey (Mr. RUNYAN), also somebody who has been very involved in helping us put this piece of legislation together.

Mr. RUNYAN. I thank Chairman MILLER.

I rise today in support of H.R. 5948, the Veterans Fiduciary Reform and Honoring Noble Service Act of 2012.

In addition to several important provisions that address many needed improvements to VA's fiduciary program, as chairman of the Subcommittee on Disability Assistance and Memorial Affairs, I would like to draw attention to several other important provisions of this bill.

First, section 9 of the bill provides for improved access to case-tracking information for certain government employees, including county veterans service officers.

□ 1550

It is my hope that allowing these local service officers to assist with the veterans claims process that more claims will be completed in a more timely manner.

There are also several other provisions in this bill that further honor the final resting places of our Nation's fallen heroes by providing improvements to the VA's national cemetery program and burial process, as well as at Arlington National Cemetery.

I believe we have a solemn obligation to cherish the memory and the heroic actions of our fallen heroes by holding ourselves and our organizations to the highest standards, which this legislation aims to do.

Therefore, I urge all Members to support H.R. 5948.

Mr. MICHAUD. I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I now yield 1 minute to the gentleman from Ohio (Mr. STIVERS).

Mr. STIVERS. I'd like to thank the gentleman for yielding.

As a Member of Congress and a serviceman, I was as shocked as everyone else by the stories coming out late last year about Dover Air Force Base mortuary sending cremated unidentified remains to the Prince George's landfill. It's a terrible injustice to our servicemembers, and it can't be allowed to happen again.

While unidentified partial remains are now cremated and buried at sea, I believe we should not leave those heroes behind. My bill that became section 3 of H.R. 5948 creates a place of remembrance at Arlington National Cemetery for each conflict moving forward and ensures the remains of those who served and gave their lives have a final resting place that's deserving and worthy of their dedication and devotion.

I'd like to thank the chairman, and I'd like to thank the gentleman from Minnesota (Mr. WALZ), and the gentleman from New Jersey (Mr. RUNYAN) for their help and assistance on the bill.

I would ask my colleagues to support H.R. 5948 and help ensure that there's a place of remembrance for those who've given their final measure of devotion, especially if their remains are unidentified, and make sure we send their remains to a place worthy of their dedication and commitment and devotion.

Mr. MICHAUD. Mr. Speaker, it's my understanding Chairman MILLER has no further speakers.

Mr. MILLER of Florida. That's correct, no further speakers.

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

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days within which to revise and extend their remarks on H.R. 5948, as amended.

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

There was no objection.

Mr. MILLER of Florida. I thank you once again and encourage all Members to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 5948, as amended.

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

The title was amended so as to read: ''A bill to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, to establish a Place of Remembrance at Arlington National Cemetery, and for other purposes.''.

A motion to reconsider was laid on the table.

VA MAJOR CONSTRUCTION AUTHORIZATION AND EXPIRING AUTHORITIES EXTENSION ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6375) to authorize certain Department of Veterans Affairs major medical facility projects and leases, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6375

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''VA Major Construction Authorization and Expiring Authorities Extension Act of 2012''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—CONSTRUCTION AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF FISCAL YEAR 2013 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2013 in the amount specified for each project:

(1) Construction of a mental health building at the Department of Veterans Affairs Medical Center, Seattle, Washington, in an amount not to exceed $222,000,000.

(2) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Dallas, Texas, in an amount not to exceed $155,200,000.

SEC. 102. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT IN MIAMI, FLORIDA.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the major medical facility project described in subsection (b) in an amount not to exceed a total of $41,000,000.

(b) PROJECT DESCRIBED.—The major medical facility project described in this subsection is the renovation of the surgical suite and operating rooms at the Department of Veterans Affairs Medical Center, Miami, Florida.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2013 or the year in which funds are appropriated for the Construction, Major Projects, account $377,200,000 for the projects authorized in section 101.

(b) LIMITATION.—In addition to any limitations under section 8104 of title 38, United States Code, or other provision of law that apply to the projects authorized in section 101 and 102, such projects may only be carried out using—

(1) funds appropriated for fiscal year 2013 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2013 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2013 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2013 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2013 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2013 for a category of activity not specific to a project.

TITLE II—EXTENSIONS OF CERTAIN EXPIRING AUTHORITIES

SEC. 201. EXTENSION OF AUTHORITY TO CALCULATE THE NET VALUE OF REAL PROPERTY SECURING A DEFAULTED LOAN FOR PURPOSES OF LIQUIDATION.

Section 3732(c)(11) is amended by striking ''October 1, 2012'' and inserting ''October 1, 2013''.

SEC. 202. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''. Such section 315 shall be carried out as amended by this section notwithstanding the date described in section 151 of the Continuing Appropriations Resolution, 2013.

SEC. 203. EXTENSION OF AUTHORITY TO PROVIDE TREATMENT, REHABILITATION, AND CERTAIN OTHER SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

Section 2031(b) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE EXPANDED SERVICES TO HOMELESS VETERANS.

Section 2033(d) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

SEC. 205. EXTENSION OF AUTHORITY TO PROVIDE HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 2041(c) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

SEC. 206. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

SEC. 207. EXTENSION OF AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (38 U.S.C. 5101 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I might consume.

This bill, as amended, would authorize certain Department of Veterans Affairs major medical facility projects, and it would also extend certain expiring authorities.

It encompasses VA's fiscal year for 2013, for major medical facility projects, and already tracks with the resources we have already provided to the Department for health care matters in the appropriations bill that was passed by the House with bipartisan support. It would aid in the delivery of health care to services and to servicemembers, veterans, and their families in communities all across this country.

It authorizes two major medical facility projects, the construction of a mental health building at the VA Medical Center in Seattle, Washington, in an amount not to exceed $222 million, and the construction of a spinal cord injury center at the VA Medical Center in Dallas, Texas, in an amount not to exceed $155.2 million.

Section 102 of the bill would authorize the renovation of the surgical suite and operating rooms at the Medical Center in Miami, in an amount not to exceed $41 million. I would note that this project was originally undertaken by the Department in 2007 as two separate minor construction projects.

However, in 2008, the two separate projects were combined into a single initiative without the knowledge of VA's central office, or the approval, in direct violation of established procedures. The VA officials first became aware of this issue in February of this year, and in April of this year they determined that the combined project constituted a major construction project that had moved forward without congressional authorization as required by law.

Work on the project is currently suspended, at a cost of approximately $6,000 a day. As soon as our committee became aware of the issue, we requested an in-depth briefing from VA officials to get to the bottom of the issue and to ensure that the leaders of the VA responsible for this egregious oversight were, in fact, held accountable.

It's really nothing short of unacceptable to this committee and, I would hope, to this Congress that this facility had been openly flouting VA policy and, more importantly, breaking Federal law for 4 years without consequence before somebody at VA took notice.

How many other VA projects have moved forward without regard for proper procedure, legal requirements, or congressional authorization; and how long has the central office not been paying attention?

The committee will continue to be vigorous in our oversight. But in the meantime, we cannot allow the American taxpayer or the veterans of south Florida to suffer because of a bureaucratic failing or lack of leadership.

The Department has proposed using approximately $12.1 million in prior-year major construction advance planning funds to complete the remainder of the Miami project; and I've been assured repeatedly by VA officials that the use of this money will in no way negatively impact the planning or design of any other project.

I've also been assured by the Department that once congressional authorization is received, the project can be completed in 120 days. I'm hopeful that the Department is correct in its assessment of the work that remains and that this provision will allow for the completion of this project to better serve the veterans in the Miami area.

Section 103 of this bill would authorize the appropriation of $377.2 million for VA major construction projects. Title II of this bill would extend expiring authorities for several programs within VA, including programs designed to help veterans keep their homes, gain greater access to compensation and pension examinations, better serve veterans living in the Philippines, and provide supportive services to those who are homeless.

This legislation represents a bipartisan effort; and I'd like to express my thanks to the ranking member, Mr. FILNER, and Mr. MICHAUD for his hard work and leadership in quickly advancing this important legislation to the floor.

And before I yield, I'd like to point out that the bill before us today does not include major medical facility lease authorizations, as it normally would, due to concerns raised late last week by the Congressional Budget Office about how to properly account for the total cost of VA's lease authorization.

Mr. Speaker, I want to assure our veterans and stakeholders that I am committed to working closely with my colleagues in the Senate, the administration's Office of Management and Budget, and the Congressional Budget Office to find a way forward on those important authorizations in the very near future.

I urge all of my colleagues to join me in support of H.R. 6375, as amended.

I reserve the balance of my time.

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

I'd like to thank my colleagues for the hard work and effort on this very important bill as well.

Each year, as we assess the construction needs of the Department of Veterans Affairs, we do so with the safety and health of our veterans in mind, as well as fulfilling our statutory requirements to authorize major medical facility projects. This is a responsibility that we do not take lightly.

□ 1600

H.R. 6375, the VA Major Construction Authorization and Expiring Authorities Extension Act of 2012, would authorize approximately over $377 million for major medical facility projects. Specifically included is the authorization for a mental health building at the VA Medical Center in Seattle, Washington, and for a spinal cord injury facility at the VA Medical Center in Dallas, Texas. Mr. Speaker, these authorizations provide the Department of Veterans Affairs the ability to provide state-of-the-art health care and services to our Nation's veterans wherever they choose to live.

I would like to take a few moments to comment on section 102, which provides the authority for the renovation of the surgical suite and the operating rooms at the VA Medical Center in Miami, Florida.

Earlier this year, it was brought to the committee's attention that VA was going to need additional authorization to finish the renovation of the operating suites in Miami. It is my understanding that, during the design phase of the original projects, an assessment was conducted, and the recommendation was to completely close down the surgical suite because of infection control and safety issues related to construction. Because of these, two smaller Miami projects were combined, and the cost exceeded the monetary threshold of $10 million that governs the need to seek congressional authority. Working in a bipartisan manner, with the concerns for the safe continuation of surgery in the Miami VA Medical Center always first and foremost in our minds, we have included this project so that VA can move forward without delay.

In addition to major facility projects, H.R. 6375 provides for the extension of certain expiring authorities. I am pleased to strongly support the extensions of the programs that directly affect some of our most vulnerable veterans—the serious mentally ill and homeless. Finally, Mr. Speaker, we have also included an extension of VA's contract authority with private providers of compensation and pension exams.

I support these provisions, but I also want to ensure that we remain vigilant in our oversight of this authority. As such, I am pleased to see 1-year extensions of these authorities, and I urge my colleagues to support H.R. 6375.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, we have no more speakers on this particular piece of legislation.

Mr. MICHAUD. Mr. Speaker, in closing, I would encourage my colleagues on both sides of the aisle to support this particular piece of legislation, which is very important for our veterans.

I would be remiss, though, if I didn't say that, like my colleague from New York earlier, I am disappointed that we are leaving Washington when we have a lot of work to do, such as the middle class tax cuts, the farm bill, the Violence Against Women Act, and responsible deficit reduction, as well as my bill that addresses the issue of our military, members of which are supposed to be clothed from head to toe with American-made clothing. The fact that the administration is not complying with the Berry amendment is very disappointing. Hopefully, we will be able to address these issues before the end of the year so that we can take care of a lot of the concerns that my constituents have brought forth.

With that, I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 6375, as amended.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I appreciate my colleague for helping to point out the fact that the Senate, itself, has not acted on many of the pieces of legislation that, in fact, this House has passed and sent over to it. It is a shame that, for the last 3 years, they have not taken up such good legislation.

With that, I thank my colleagues once again for their support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6375, as amended.

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

The title was amended so as to read: ''A bill to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

CONFIRMING FULL OWNERSHIP RIGHTS TO ARTIFACTS FROM ASTRONAUTS' SPACE MISSIONS

Mr. HALL. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays on the motion that the House suspend the rules and pass the bill (H.R. 4158) to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions, be vacated, to the end that the Chair put the question de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill, H.R. 4158.

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

A motion to reconsider was laid on the table.

CUTTING FEDERAL UNNECESSARY AND EXPENSIVE LEASING ACT OF 2012

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6324) to reduce the number of nonessential vehicles purchased and leased by the Federal Government, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6324

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 ''Cutting Federal Unnecessary and Expensive Leasing Act of 2012'' or the ''Cutting FUEL Act''.

SEC. 2. REDUCTION OF THE NUMBER OF NONESSENTIAL VEHICLES PURCHASED AND LEASED BY THE FEDERAL GOVERNMENT.

(a) REVIEW OF NONESSENTIAL VEHICLE PURCHASE.—The Director of the Office of Management and Budget, in consultation with the head of the relevant Executive agency, shall complete each of the following:

(1) Determine the total dollar amount obligated by each Executive agency to purchase civilian vehicles in fiscal year 2010.

(2) Determine the total dollar amount obligated by each Executive agency to lease civilian vehicles in fiscal year 2010.

(3) Determine the total number of civilian vehicles purchased by each Executive agency in fiscal year 2010.

(4) Determine the total number of civilian vehicles leased by each Executive agency in fiscal year 2010.

(5) Determine the total dollar amount that would be 20 percent less than the dollar amount determined under paragraphs (1) and (2) for each Executive agency.

(b) REDUCTION OF NONESSENTIAL VEHICLE PURCHASE.—For each of fiscal years 2013 through 2017, each Executive agency may not obligate more than the dollar amount identified pursuant to subsection (a)(5) to purchase and lease civilian vehicles.

(c) SHARING.—The Administrator of General Services shall ensure that an Executive agency may share excess or unused vehicles with another Executive agency that may need temporary or long-term use of additional vehicles through the Federal Fleet Management System.

(d) NATIONAL SECURITY EXCEPTION.—The limits on the purchase and procurement of vehicles provided in this section shall not apply to the purchase or procurement of any vehicle that has been determined by the President to be essential for reasons of national security.

(e) DEFINITIONS.—In this section:

(1) CIVILIAN VEHICLE.—The term ''civilian vehicle'' means a vehicle that is not used for purposes of military combat, the training or deployment of uniformed military personnel, or such other uses as determined by the Director of the Office of Management and Budget, in consultation with the Administrator of General Services.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term under section 105 of title 5, United States Code.

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

H.R. 6324, the Cutting Federal Unnecessary and Expensive Leasing Act, or Cutting FUEL Act, of 2012 is a bipartisan piece of legislation introduced by Mr. HANNA of New York and Mr. BARROW of Georgia.

With a $16 trillion debt, Congress and the Federal Government need to spend taxpayer dollars more efficiently and help reduce costs. Federal agencies currently own or lease roughly 660,000 cars, vans, sport utility vehicles, trucks, buses, and ambulances; and I'm sure there are a host of other items as well. During fiscal year 2011, the Federal Government spent roughly $4.4 billion to maintain and operate these vehicles, including $1.3 billion in fuel costs alone. During the last 5 years, Federal agencies purchased an average of approximately 68,000 new vehicles annually at a cost of roughly $1.5 billion per year.

The Bowles-Simpson National Commission on Fiscal Responsibility and Reform recommended reducing the number of nonessential vehicles owned or leased by Federal agencies, other than the Department of Defense or the postal service, by 20 percent. According to some estimates, this proposal could save up to $500 million over the next 10 years.

The Cutting FUEL Act would reduce the government's spending on civilian vehicle purchases and leases by 20 percent and would maintain that reduced level of spending for 5 years. This reduction would not apply to military or postal vehicles, and there is an exception provided for national security vehicles as well.

Mr. Speaker, I think this is a good, commonsense piece of legislation, and we want to encourage Members to support this bill.

I reserve the balance of my time.

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

I rise in opposition to H.R. 6324, the Cutting FUEL Act. This bill is being rushed to the floor without any hearings or considerations by the Oversight and Government Reform Committee. The result is a poorly drafted bill that may have harmful, unintended consequences. This bill would require all Federal agencies to reduce their purchases and leases of vehicles by 20 percent, below 2010 expenditure levels. This reduction would not apply to military vehicles, and an exception is provided for vehicles necessary for national security purposes.

While my colleagues' goal is to cut government spending and force agencies to spend their money more efficiently, this bill is not the way to achieve those objectives. This bill does not take into account agencies that have already decreased their fleet sizes by improving fleet management procedures. According to a recent GAO report, agencies such as the Air Force have implemented various fleet downsizing policies and have made efforts to eliminate vehicles that are not mission critical. Instead of examining the needs of each individual agency, this bill simply makes a sweeping 20 percent cut applicable to all agencies regardless of whether they have already made significant improvements.

□ 1610

The GAO also noted that some agencies, like the Department of Veterans Affairs, have increased their fleet sizes due to expanded programs essential to assisting our disabled veterans. This bill would prevent agencies, such as the VA, from effectively serving our veterans when they return home from war.

Mr. Speaker, we come to the House floor only to bring up legislation that was recently introduced in August. There have been no hearings in committee, no amendments, no markups, no substantive debate, all of which could have made significant improvements to the bill.

The American people are asking their elected officials to be bipartisan and pass legislation to add more jobs to our economy. We should focus on extending the tax cuts for the middle class, or passing legislation to resolve the looming crisis in the postal service. But, no, the Republican majority and their leadership would rather focus on passing messaging bills before the election. They prefer to leave Washington and campaign, rather than take up the real issues that confront our country.

Mr. Speaker, I urge my colleagues to oppose this legislation, and I ask that we get back to doing the work of the people.

With that, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to the chief sponsor of this legislation, the gentleman from New York (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I rise in support of H.R. 6324, the Cutting Federal Unnecessary and Expensive Leasing Act. I sponsored this legislation with my friend and colleague from Georgia (Mr. BARROW).

Mr. Speaker, this is a simple bill which takes up a recommendation of the bipartisan Simpson-Bowles commission to help our Federal Government operate more efficiently. The Federal Government now owns and operates over 500,000 civilian vehicles, according to the Government Accountability Office. Simpson-Bowles found that the government's annual vehicle budget is over $4 billion, and the Federal fleet has increased by 30,000 vehicles in recent years. These are staggering numbers at any time, but particularly when our national debt has surpassed $16 trillion.

Rapid advances in technologies like video conferencing and telecommuting are making travel much less necessary, not more. The National Commission on Fiscal Responsibility and Reform recommended that the Federal Government's fleet be cut and trimmed by 20 percent. The Cutting FUEL Act does just that. It requires civilian Federal agencies over the next 5 years to spend 20 percent less than their fiscal year 2010 levels on vehicles purchased and leased. The bill exempts our Armed Forces, postal service, and other vehicles which have a national security purpose as determined by the Office of Management and Budget and General Services Administration.

The bill encourages agencies to share vehicles with another agency that may need temporary or long-term use of additional vehicles. For example, if the VA required additional vehicles to meet certain program needs, the administration could task other agencies to help and assist the VA. The benefits of this bill are clear. We will be saving hundreds of millions of dollars over 10 years that are better used for deficit reduction or core agency missions. We will be reducing congestion on our roads. And because these fleets burn more than 1 million gallons of fuel each day, we will be saving fuel costs and reducing emissions. The simple reality is that we have to cut spending, and the Federal Government needs to live within its means. Buying and leasing new cars that the government does not need and cannot afford is a waste of hard-earned taxpayer dollars.

I would also note that the Congress has capped its own spending on vehicle leases for the past 2 years, an amendment which I authored. This bill today is just another commonsense bipartisan solution to save where it makes obvious sense.

Mr. Speaker, I urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, I yield 3 minutes to JOHN BARROW from the great State of Georgia.

Mr. BARROW. I thank the gentlelady for the time.

Mr. Speaker, I'm pleased to reach across the aisle in support of the Cutting FUEL Act, a commonsense bill to cut wasteful government spending by reducing the number of nonessential vehicles purchased by the Federal Government.

Any family or business knows that you can't spend beyond your means. The government should work the same way. Buying brand new cars the Federal Government doesn't need is a waste of hard-earned taxpayer dollars, and this bill puts an end to that.

The government spends $4 billion a year to maintain and operate over 650,000 vehicles. Since 2006, the Federal Government has added over 20,000 vehicles to this fleet, and the cost of operating these vehicles has gone up 5.4 percent.

I recently introduced H.R. 6144, which also cuts the Federal vehicle fleet by 20 percent. Like the Cutting FUEL Act, it makes an exception for vehicles that are essential to national security while reducing the size of the nonessential Federal Government fleet by 20 percent. This is just one of the many recommendations of the bipartisan Simpson-Bowles commission, and over the next 10 years it will save literally hundreds of millions of dollars of taxpayer money.

I'm pleased to join my colleague, Representative HANNA, in support of his version of this legislation, because acting in a bipartisan fashion isn't just the right way to do things around here, it's the only way to actually get things done around here. However much we tend to forget that in this body, it's the only way to deal with the other body, and it's the only way to truly represent the Nation as a whole.

The folks we represent deserve a government that is responsible with their hard-earned dollars. I thank Congressman HANNA for introducing the Cutting FUEL Act, and I urge my colleagues to support this commonsense bipartisan bill.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers, but I will continue to reserve the balance of my time.

Mrs. MALONEY. I have no additional speakers and yield myself such time as I may consume.

I do want to stress that we should not be adjourning. We should continue to work and try to do things to preserve Medicare. This Congress has voted to end Medicare as we know it, to turn it into a voucher system.

And we need to extend the middle class tax breaks, and jobs—the President's jobs bill. Many of my colleagues on both sides of the aisle, Republican and Democratic, have come forward with jobs bills that we could consider on passing and working.

I must say they are very urgent priorities, and the American people are calling my office, and I'm sure all of my colleagues, concerning the farm bill. We need to pass a farm bill.

The Violence Against Women Act, this used to be bipartisan legislation. It was introduced as bipartisan legislation. Yet, in this Congress, people have voted to repeal some of the protections, and we have not been able to have a consensus on what has historically been a consensus issue.

On the war on women, I am issuing a report today that shows that the Republican majority is not only out of step with the Main Street of America and the Democratic majority, but they are out of step with the historic Republican Party. The historic Republican Party—in fact, I'll give one example: title X. George H.W. Bush was the author of title X when it passed, and it was signed by a Republican President. This Congress voted to defund title X—family planning, birth control. This is unprecedented.

So there are many things that we need to address. I would say specifically the farm bill and the reauthorization of the Violence Against Women Act. This should be an area where we could all agree and come together. I urge my colleagues not only to vote against this particular bill, but also to speak to their leadership on the other side of the aisle that these pressing issues should be taken up and should be addressed.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

□ 1620

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

Mr. Speaker, I would hope we would be very bipartisan, at least here in the House of Representatives, in criticizing the United States Senate for not acting on what has passed in this House of Representatives.

It is crystal clear from the record that it has been more than 1,200 days since the United States Senate has addressed and passed a budget. We have passed more than 30 bills that are directly related to jobs and the economy out of the House of Representatives, sit directly in the United States Senate and continue to not be addressed.

I would hope that my colleague would join me in this bipartisan chorus to say this is ridiculous. We can't do the work of the people if the United States Senate doesn't actually do their job. I think I would agree in concept that, yes, there is work to do. Unfortunately, I don't see much of that happening over in the United States Senate.

This bill, H.R. 6324, happens to be a good, bipartisan piece of legislation that reduces spending, something called for in Simpson-Bowles. It is a responsible thing to do. It sets the goal in the framework the agencies would need to comply with. It would save hundreds of millions of dollars, and yet we hear that, well, it's not a time to do this because we need to think about it more.

We're paying more than $600 million a day in interest on our national debt. If you spent a million dollars a day every day, it would take you almost 3,000 years to get to 1 trillion. Since this President took office when we had $10 trillion in debt, we're now at $16 trillion in debt, and all they're concerned about is, well, you know, we've got to talk.

We don't have time. We've got to act now. We've got to pass bills like this. It's irresponsible not to. We need to continue to call upon the Senate to actually do their job and engage in the people's work. The country will be better off.

I encourage my colleagues to join in support of Representative HANNA's bill. It's a good, commonsense, bipartisan piece of legislation with broad support. It's H.R. 6324, and I urge my colleagues to vote ''yea.''

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 6324.

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

A motion to reconsider was laid on the table.

BUFFETT RULE ACT OF 2012

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6410) to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6410

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 ''Buffett Rule Act of 2012''.

SEC. 2. DONATION TO PAY DOWN NATIONAL DEBT.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART IX—DONATIONS TO PAY DOWN NATIONAL DEBT

''Sec. 6097. Donation to pay down national debt.

''SEC. 6097. DONATION TO PAY DOWN NATIONAL DEBT.

''(a) GENERAL RULE.—Every taxpayer who makes a return of the tax imposed by subtitle A for any taxable year may donate an amount (not less than $1), in addition to any payment of tax for such taxable year, which shall be deposited in the general fund of the Treasury.

''(b) MANNER AND TIME OF DESIGNATION.—Any donation under subsection (a) for any taxable year—

''(1) shall be made at the time of filing the return of the tax imposed by subtitle A for such taxable year and in such manner as the Secretary may by regulation prescribe, except that—

''(A) the designation for such donation shall be either on the first page of the return or on the page bearing the taxpayer's signature, and

''(B) the designation shall be by a box added to the return, and the text beside the box shall provide:

''By checking here, I signify that in addition to my tax liability (if any), I would like to donate the included payment to be used exclusively for the purpose of paying down the national debt.'', and

''(2) shall be accompanied by a payment of the amount so designated.

''(c) TREATMENT OF AMOUNTS DONATED.—For purposes of this title, the amount donated by any taxpayer under subsection (a) shall be treated as a contribution made by such taxpayer to the United States on the last date prescribed for filing the return of tax imposed by subtitle A (determined without regard to extensions) or, if later, the date the return is filed.

''(d) TRANSFERS TO ACCOUNT TO REDUCE PUBLIC DEBT.—The Secretary shall, from time to time, transfer to the special account established by section 3113(d) of title 31, United States Code, amounts equal to the amounts donated under this section.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of such chapter is amended by adding at the end the following new item:

''PART IX. DONATIONS TO PAY DOWN NATIONAL DEBT.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years ending after December 31, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 6410, a bill to provide a simple way for individuals to voluntarily donate funds to pay down the national debt. Under current law, you can contribute to debt reduction, but like all things with the IRS, it isn't easy. If you dig deep into the 189 pages of instructions that accompany the 1040, you'll find, on page 88, the following:

Do not add your gift to reduce debt held by the public to any tax you may owe.

To contribute to deficit reduction, one must send a separate check or money order to the Bureau of Public Debt, or they can go online at the Web site and use a credit card. Warren Buffett, who says he wants to pay more in taxes to pay down our debt, can't actually do so when filing his taxes.

H.R. 6410, however, gives Mr. Buffett and generous Americans like him a simple, easy way to help pay down our debt. This legislation adds to appropriate tax forms a box with the captions, and I am quoting:

By checking here, I signify that in addition to my tax liability (if any), I would like to donate the included payment to be used exclusively for the purpose of paying down the national debt.

The Joint Committee on Taxation estimates that H.R. 6410 reduces the public debt by $135 million over 10 years. It makes it easy for those who want to donate money to the Treasury for debt reduction to voluntarily do so without raising taxes on entrepreneurs and job creators. If Warren Buffett wants to give, then H.R. 6410 allows him to give to his heart's content, and the payments will go directly to an account at the Treasury dedicated exclusively to debt reduction.

Mr. Speaker, it's not enough to speak in political platitudes about what we can do to reduce our debt. Now you can put your money where your mouth is. I urge my colleagues on both sides of the aisle to join me in passing this legislation.

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

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

Well, there's nothing wrong with this bill except the label. If there were a fine, I would say, for House legislative mislabeling, House Republicans would have a very large fine to pay. This bill has nothing—zero—to do with the Buffett rule. It has everything to do with the absolute refusal of Americans to face the basic issue. The present tax laws give an inordinate tax break to the very wealthy. The Buffett rule is provided and proposed by President Obama and congressional Democrats.

In addition to reducing the deficit by $46 billion, it would address a significant inequity in the Code that allows a quarter of taxpayers earning more than a million a year to pay a lower tax rate than millions of middle class families. One of those taxpayers is the Republican Presidential nominee, Governor Mitt Romney, who paid an effective tax rate lower than 15 percent in 2010 and refuses to let the American public see his tax returns for any earlier years.

Indeed, the so-called tax reform legislation from Republicans would do just the opposite: provide massive tax cuts for the very wealthy, doubling down on the Bush tax cuts that have added billions to the deficit and contributed to growing income inequality.

What's more, their idea of tax reform is to heap new taxes on the backs of middle- and lower-income families to pay for all of this. A recent report found that the so-called tax reform outlined in the Ryan budget would give those making over a million dollars a year an additional average tax cut of $331,000, while those making less than $200,000 would see a tax increase of $4,500.

Taxpayers can do exactly what is provided in this bill if they want to donate some of their taxes on the income they have to deficit reduction.

Republicans, who will recess in 2 days for 2 months with an incredible amount of unfinished business, not the least of which is the extension of the middle class tax cuts and the looming fiscal cliff, we need hard work, not chicanery.

I reserve the balance of my time.

Mr. CAMP. I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. SCALISE).

□ 1630

Mr. SCALISE. I thank the gentleman from Michigan for yielding and for bringing this legislation to the floor.

The Buffett Rule Act that we're debating now will set up a process where citizens all across the country, rich, poor, whatever their income level, if they feel that they haven't paid enough money into the Federal Treasury, then they can just check off a box and submit the amount of money that they want to pay in addition to what the normal tax liability is, and the assurance will be that that money will be used specifically to pay down the national debt, which, of course, just a few weeks ago, broke the $16 trillion mark under President Obama.

I think if you look at the Buffett Rule Act that we bring forward and contrast that with President Obama's proposed Buffett rule that he's talked about, what the President's talked about is actually raising taxes on the very small business owners that we need in our country to help create jobs to help get our economy going back again. In fact, even President Obama himself acknowledged that if you raise taxes on anybody in a bad economy, it will make the economy even worse.

And make no mistake about it, we are living right now in a bad economy, in many cases because of the President's policies, because of the so many tax increases that this President has already imposed. Just in ObamaCare alone, President Obama has imposed more than 20 new taxes on middle class families. Many of them haven't kicked in and they don't kick in until after the election, conveniently, but those taxes are on the books, and it's going to make it even harder for American families who are struggling to get by in a tough economy.

And so what's the President's latest answer in his version of the Buffett rule? It's to raise another $30-plus billion on the backs of our small business owners. By his own admission, that would make the economy even worse. And I think most people recognize the President would just use that money to go and spend even more money on a government that's already too big.

So the question is: Do we set up a process under President Obama's approach where he would raise taxes on small business earners, further hurting the economy, just so that he can have more money to spend in Washington, where there's already too much wasteful spending, or do we have a process like we establish here in this bill, the Buffett Rule Act, which says that if somebody truly does not feel they're paying enough in taxes, then they can simply check a box and there will be a format that they can lay out however much they want to spend more and that money will be used not to grow the size of the Federal Government but to reduce the national debt?

Again, it's a very clear contrast in approaches. If you look at the record that we've seen so far, the tax-and-spend approach under President Obama, it hasn't worked. We've had more than 8 percent employment literally since the President took office. And it's only gotten worse, to the point where millions of Americans have just given up looking for work. And the President's answer is to keep raising more taxes and spending more money and borrowing it from China because we don't have it.

We need a better approach. We need to address the mushrooming deficit that broke the $16 trillion mark. And if people like Warren Buffett and others like him feel they're not sending enough to Washington, let them put their money where their mouth is. Give them that action by giving them this check box, but knowing that if they do send in more money, it's not going to be used to keep growing a bloated Federal Government and spending money we don't have. It's going to be used to finally start paying down this national debt that's out of control and that's a burden to the opportunities of today's workers and the unemployed who are looking for jobs, but also to future generations—to our children and grandchildren who the big spenders in Washington are borrowing that money from and sending the bill to our children. They've got to stop doing it.

We've got to stop the way things are going now and get the economy back on track. And you don't do it by raising taxes. Again, President Obama even acknowledged that, even though his proposal is to raise taxes on our small business owners. You do it instead this way, by saying if you really feel like you want to send in more money to Washington, use it to pay down the national debt so we can finally get control over spending here.

AMERICANS FOR TAX REFORM,
Washington, DC, October 5, 2011.

Hon. STEVE SCALISE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SCALISE: On behalf of Americans for Tax Reform, I am pleased to support your new legislation, the ''Buffett Rule Act of 2011.'' This bill would instruct the IRS to provide a prominent, convenient checkbox line on 1040 forms to allow those so inclined to pay extra income tax.

Famously, Warren Buffett complained that his average effective tax rate was too low compared to his secretary. This is probably not true given the fact that Mr. Buffett has failed to release his own tax return for verification, and considering the average effective tax rate of his secretary is quite low based on her purported income. Nonetheless, Mr. Buffett should be able to voluntarily pay extra income taxes if he feels the need to—without imposing broad, job-killing tax hikes on our nation's small employers.

These ''tax me more'' lines have been particularly-effective in flushing out the serious from the posturing on the state level. States that have a ''tax me more'' line repeatedly report almost no additional voluntary contributions to state tax coffers. This is despite the fact that there is no shortage of people who have already earned (or inherited) their wealth who want to see taxes raised on those still pursuing the American dream. In short, the limousine liberal set doesn't put their money where their mouth is.

Taxpayers are calling Mr. Buffett's bluff with this legislation. It's his move.

Sincerely,

GROVER NORQUIST.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to the ranking member on the Budget Committee, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague, Mr. LEVIN.

I was just listening to the previous speaker. The issue is not whether we reduce our long-term deficits. We've got to do that. The question is: How? And every bipartisan group that has looked at this issue has said in order to do this in a smart and credible way, we have to make some additional tough cuts in reforms. But we also need to raise additional revenue. And if we don't raise any more revenue, it means that everybody else is going to get hit even harder. Seniors on Medicare will have to pay more through the voucher plan than our Republican colleagues have proposed. Kids' education grants and loans will be cut. Our investment in infrastructure will be cut.

So what we've said is, Let's take that balanced approach to reducing the deficit and that folks who have done very well should contribute a little bit more toward helping our Nation in that way. Our Republican colleagues have said, No, no, no, no, we're not going to ask people like Warren Buffett or Mitt Romney or very wealthy people to pay one more penny—not one—toward reducing our deficit.

And, Mr. Speaker, I've got to say it's astounding that our Republican colleagues would bring this bill to the floor of this House any day, but especially today. There is apparently no embarrassment factor about the fact that just yesterday this tape surfaced with Mitt Romney talking about the fact that 47 million Americans are not paying enough Federal taxes, that they're somehow not taking personal responsibility. You might as well name this piece of legislation: Give Mitt Romney Another Big Tax Break. Because as the gentleman from Michigan pointed out, the real Buffett rule says to people like Warren Buffett and people like Mitt Romney and to people who have done very well: We need you to contribute a little bit more toward deficit reduction, just like you were doing when President Clinton was President. Just go back to paying the same rate as when President Clinton was President.

And, by the way, President Obama has called upon this Congress to immediately extend tax relief to 98 percent of the American people and 97 percent of all businesses that do business pass-throughs. What our Republican colleagues want to do is to say to Bain Capital and some of the Fortune 100 companies: You don't have to pay any more to reduce our deficit. And they use the language of small business as a cover for that.

Now let's look at who was among those 47 percent of Americans that Governor Romney was talking about yesterday. Seniors who paid into Medicare, who paid into Social Security, who don't have any Federal income tax liability. They're being under-taxed, apparently, or they're not taking personal responsibility. How about our soldiers? We decided that soldiers should not be taxed on their combat pay.

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

Mr. LEVIN. I yield the gentleman an additional 2 minutes.

Mr. VAN HOLLEN. I thank the gentleman.

Soldiers who are fighting in Afghanistan, we decided that they shouldn't have to pay taxes on their combat pay. Apparently, Mitt Romney wants them to have to pay taxes on that money where they're not taking personal responsibility. Millions of other Americans are working hard every day to make ends meet. They may be making $25,000, have two kids. And you're right, we have standard deductions and we have personal exemptions so that people making $25,000 a year don't get hit really hard with income tax. And yet those individuals are paying an effective tax rate more than Mitt Romney.

As the gentleman from Michigan pointed out, if you combine the different parts of the payroll tax, they're at 15 percent. Mitt Romney is at 13 percent. And you know what the Buffett rule would do, the real one? The real one would say for people like Warren Buffet and Mitt Romney, they should at least pay 30 percent over $2 million. There's a phase-in between $1 million and $2 million. That's what the real Buffett rule does.

And what adds insult to injury is that while Mitt Romney and Republicans are proposing a tax plan that would give a break for folks at the very top, the nonpartisan, independent Tax Policy Center says they want to pay for that by increasing taxes on middle-income Americans to the effect of about $2,000 a year more for an average middle class family. Those are people on top of the 47 percent who are just paying payroll taxes.

So here we have a proposal by our Republican colleagues to provide big tax breaks to folks at the very top, and they want to come and make a mockery of the real Buffett rule. The real Buffett rule would actually generate $47 billion. Is that going to solve our deficit problem? Of course not. Will it contribute to helping it? Yes.

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

Mr. LEVIN. I yield the gentleman an additional 1 minute.

Mr. VAN HOLLEN. That would actually raise some money to help reduce the deficit and ask for some shared responsibility.

This bill is the ''pretty please'' bill. Pretty please, Warren Buffet, pretty please, Mitt Romney, won't you help contribute a little bit more toward reducing our deficit?

□ 1640

I can understand why people like Mitt Romney would love this bill because it asks nothing more of them at a time when we should be taking a balanced approach to reducing our deficit.

Just last week, we had a debate here about sequester. Everybody agreed, Republicans and Democrats, it would be really bad to have these across-the-board cuts take place. Buzz saw cuts. Our Republican colleagues and we both talked about the negative impact on defense, also on the FBI, on border security.

You know what? We had a proposal to pay for part of that to prevent the sequester with the Buffett rule and some other cuts. Our Republican colleagues talked about the terrible consequences of the cuts, but they just don't want to pay for them. They don't want to ask very wealthy Americans to contribute one more penny.

Mr. CAMP. Mr. Speaker, I advise my colleague that I am prepared to close.

Mr. LEVIN. I yield myself the remaining time.

You know, as I've heard this debate, I've been thinking. This is really mislabeled. Why don't we call it the Mitt Romney Rule Act of 2012? He paid the return he indicated less than 15 percent. He earned many, many, many millions. He knew what the code now says. He could have sent some of the money that was not taxed to the government. He could even use a credit card. But he hasn't done that.

This is mislabeled. This has nothing to do with Mr. Buffett.

There's been some reference here to small business. The very nonpartisan entities indicate that 97 percent of people who are in small business and beyond have income actually around $250,000 or less.

All this bill does is to indicate what's already in the code. So, there's nothing wrong with the bill. What is wrong is this frightful mislabeling to try to cover up a refusal of the Republican Party in this institution to face up to what is really necessary to be done.

I yield back the balance of my time.

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

I can understand why my friends on the other side are talking about everything but the bill before us. And that's because this administration's record on the deficit is so dismal. We're going on our fourth year of trillion-dollar deficits. The deficit under their watch is now $16 trillion.

You know, what we really need to do is grow this economy and create jobs, and we know that their tax increases that they love so much would cost us 700,000 jobs. Look at this: 43 months of unemployment of 8 percent. That's why they want to talk about everything but this.

They've said the question is how to reduce the deficit. The fact of the matter is this bill does reduce the deficit, according to the Joint Committee on Taxation, by $135 million. Now, they might not think that's much, but to most Americans, every million dollars counts.

So, I think it's important that we move forward on this, that we grow our economy, that we grow our economy to create jobs. And we know that taxes on small businesses that they propose cost us jobs.

So let's pass this bill. It's a step forward. It allows those Americans—we all hear it as we go around the country—people say, ''I'd like to give more. How do I do it?''

This makes it easier, it makes it straightforward, and actually is scored as reducing the deficit.

Let's vote to make a step for reducing the deficit. We have bigger issues we need to deal with. We're going to deal with those. That's why this committee, Ways and Means, has been focused on tax reform this year, more than 20 hearings. I hope we can move forward on fundamental tax reform. Let's vote for this bill. Let's give those Americans who want to be more generous, who want to check a box and contribute more specifically to deficit reduction, a very transparent, straightforward, and easy way to do that.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 6410.

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

A motion to reconsider was laid on the table.

ANDREW P. CARPENTER TAX ACT

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5044) to amend the Internal Revenue Code of 1986 to exclude from gross income any discharge of indebtedness income on education loans of deceased veterans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5044

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 ''Andrew P. Carpenter Tax Act''.

SEC. 2. DISCHARGE OF INDEBTEDNESS INCOME ON EDUCATION LOANS OF DECEASED VETERANS.

(a) IN GENERAL.—Subsection (f) of section 108 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) DECEASED VETERANS.—

''(A) IN GENERAL.—In the case of any student loan described in subparagraph (B) of an individual who is a veteran who served on active duty in the Armed Forces of the United States and who is deceased as a result of a service-connected disability, no amount which (but for this paragraph) would otherwise be includible in gross income by reason of the discharge (in whole or in part) of such loan shall be includible in gross income of any cosigner on such loan.

''(B) STUDENT LOAN DESCRIBED.—For purposes of subparagraph (A), a student loan described in this subparagraph is a loan that—

''(i) is made, insured, or guaranteed under title IV of the Higher Education Act of 1965, or

''(ii) is a private education loan (as defined in section 140(a)(7) of the Truth in Lending Act (15 U.S.C. 1650(a)(7))), made by an entity (other than an entity described in paragraph (2)) to an individual to assist the individual in attending an educational organization described in section 170(b)(1)(A)(ii).

''(C) SERVICE-CONNECTED DISABILITY.—For purposes of subparagraph (A), the term 'service-connected disability' has the meaning given such term by section 101(16) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness occurring on or after October 7, 2001.

(c) WAIVER OF LIMITATION FOR CREDITS AND REFUNDS ATTRIBUTABLE TO THIS ACT.—If the credit or refund of any overpayment of tax resulting from the application of the amendment made by subsection (a) to a period before the date of enactment of this Act is prevented as of such date by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the enactment of this Act.

SEC. 3. ACCOUNTS IN THE THRIFT SAVINGS FUND SUBJECT TO CERTAIN FEDERAL TAX LEVIES.

(a) IN GENERAL.—Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence—

(1) by striking ''659)'' and inserting ''659),''; and

(2) by striking the period at the end and inserting the following: '', and shall be subject to a Federal tax levy under section 6331 of the Internal Revenue Code of 1986.''.

(b) DISPOSITION OF AMOUNTS.—Any potential revenue gain attributable to the enactment of this Act, as determined by the Director of the Congressional Budget Office—

(1) shall be deposited in the general fund of the Treasury of the United States; and

(2) shall be used solely for purposes of deficit reduction.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5044, the Andrew Carpenter Tax Act, was introduced by the gentleman from Tennessee (Mr. DESJARLAIS) in honor of Lance Corporal Andrew Carpenter, who made the ultimate sacrifice in defense of this Nation's freedom while serving in Afghanistan, and I'm a proud cosponsor of the bill. Mr. Speaker, I would like to thank the gentleman from Tennessee for his leadership in addressing a tax problem facing families of deceased servicemembers who have had their student loans forgiven.

Right now our Tax Code considers forgiven student loans cosigned by the servicemember's family as taxable income. This is just wrong for our Nation's military families, and that's what the gentleman from Tennessee's bill is all about. It would change the Tax Code so that the IRS will no longer be able to hit families of deceased servicemen and -women with a tax bill on the forgiven debt.

You see, Mr. Speaker, the life of a military family is not easy, but it is admirable. We must never forget that when one member of the family serves, all of the family serves. In a small but important way, this bill is really about protecting our Armed Forces and their families, just as they protect our freedom every day. They need to know their country is behind them.

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

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

Mr. Speaker, this bill does address an issue that needs consideration. Lieutenant Carpenter died serving his Nation. He possessed outstanding student loans. The lender waived repayment by his parents, who were obligated on the loans. Present policy would require his parents to pay taxes on the value of that repayment. The Congress must act to ensure that families of brave men and women do not face undue hardship in the face of tragedy.

Unfortunately, this bill has not been the subject of a single hearing or markup in the committee of jurisdiction, Ways and Means. As a result, this bill has no legislative history to which agencies or taxpayers can turn to answer any questions that should arise.

□ 1620

While technical changes were made in this bill from the bill's introduction to its consideration on the House floor today, the text still leaves many questions unanswered, including deficiencies with respect to definition of terms in the bill and as to scope.

The tax treatment of debt forgiveness is a broad and important issue. And while this bill will cover the tax treatment of one class of debt for one class of taxpayers, I think many in this body might believe that other classes of taxpayers should be able to receive such tax treatment. So, therefore, in the absence of regular order on this bill but recognizing the need to address the impact of our tax laws on those who have served our Nation and their families, I believe we should pass this legislation over to the Senate, with the expectation that it will address outstanding technical and coverage issues.

With that, I reserve the balance of my time and ask unanimous consent that the balance of my time on this bill now be handled by the gentleman from Washington (Mr. MCDERMOTT), a member of our committee.

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

There was no objection.

Mr. SAM JOHNSON of Texas. I now yield such time as he may consume to the gentleman from Tennessee (Mr. DESJARLAIS), the sponsor of this legislation.

Mr. DESJARLAIS. Mr. Speaker, before I begin my remarks, I want to take a few moments to thank Majority Whip KEVIN MCCARTHY, Majority Leader ERIC CANTOR, and Ways and Means Chairman DAVID CAMP for their help in bringing this worthwhile piece of legislation to the House floor. In addition, I want to say a special thanks to Congressman SAM JOHNSON for his work and guidance through the process.

I also want to recognize and thank the family of Lance Corporal Andrew P. Carpenter for bringing this matter to my attention. I am truly humbled to have had the honor of introducing the Andrew P. Carpenter Tax Act.

We are all familiar with the verse in John that says: ''Greater love hath no man than this, that a man lay down his life for his friends.'' On February 19, 2011, due to wounds suffered while on a combat mission in the Helmand province of Afghanistan, Lance Corporal Andrew Carpenter did indeed lay down his life for his friends and country.

A graduate of Columbia Central High School in 2002, Andrew enlisted in the United States Marine Corps in 2007 and was assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, North Carolina. He was serving his second tour in Afghanistan.

Leaving behind a wife, Crissie, and soon to be born son, Landon, Andrew gave his life in defense of our Nation and the cause of freedom. In a fitting tribute to his and his family's sacrifice, the city of Columbia, Tennessee, held a memorial service that sent a clear message that his valor would not be forgotten. Unfortunately, the aftermath of this outpouring of support was soon tarnished by the grim hand of the Internal Revenue Service. As hard as it is to believe, Mr. Speaker, the pain and anguish of his parents and wife were compounded by a tax bill from the Internal Revenue Service for over $1,000 due to the fact that an educational loan from a private institution was forgiven. Imagine the dismay of having to bury a son, daughter, husband, or wife that had paid the ultimate sacrifice only to have the IRS say you haven't paid enough.

Three years prior, Andrew had taken out a private educational loan. After

learning that Andrew had been killed in action, the company administering the loan agreed to completely forgive the debt. However, the IRS did not. Upon forgiveness of the debt, the family, who had cosigned the loan, received a 1099C form informing them that the debt discharged would be factored into their gross taxable income for that year. Not knowing what the tax bill was for, the family paid the tax and then contacted my office and brought this matter to my attention. As a newly elected Congressman, this was a rude introduction to just how broken our Federal system was.

Mr. Speaker, the legislation before us today attempts to shield American families from ever having the IRS add to their loss by callously presenting them with a tax bill. Simply, my bill amends the Internal Revenue Code to exempt private student loan forgiveness from being categorized as gross taxable income for families of veterans who have lost their lives while serving in active duty in the United States Armed Forces. It is important to note that this bill would not make it mandatory for private lenders to forgive educational loans. Private loan companies would still have the option of whether or not to forgive a loan.

Having lost their son in Afghanistan, the Carpenter family is comforted by the knowledge that Andrew died a hero. His memory lives on in his son, Landon. It is for them and all those who may have or may face similar hardships that I urge that the House suspend the rules and pass H.R. 5044.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the subcommittee ranking member on the Ways and Means Committee for his leadership, and I thank my friend from Texas, Congressman JOHNSON, for managing, and the sponsor of this legislation as well.

Let me rise in support of what I think is a recognition, a recognition of the sacrifice that families make and those who remain behind after our soldiers fall in battle—a fall pursuant to a service-related injury—and to not have the added burden of having any forgiven debt be included as income to be assessed by the IRS.

I believe that this is a fair and important collaborative exercise, a reasonable response to taxation. I hope, as we come together around veterans and this removal of this burden, we can clearly see pathways to address the question of tax reform that responds to working Americans, that protects working Americans, for that is obviously what this family is. They sent a son off to war, or a daughter off to war—or a mother or father or uncle or aunt, cousins. America is about family. Therefore, now we have the legitimate response that they would not, through some procedural snafu, be burdened by having that forgiven debt be part of the remaining family's income, particularly those who may have cosigned. I know the fallen soldier would not want that to happen.

As I stand here, I cannot help make mention as well of the resolution that saluted the fallen in Libya, H. Res. 786. I just wanted to acknowledge the passion that all Americans have for Ambassador John Christopher Stevens, Foreign Service information management officer Sean Smith, and security officers Tyrone S. Woods and Glen A. Doherty.

As a member of the Homeland Security Committee, I have often said that terrorism is franchised. It does not have to be an army of millions or thousands, it does not have to be a battalion, it doesn't have to be anything but one wanting to do evil. Therefore, it is important to say to the families of these men in particular, and others that fell, and others that were injured, and the men and women that serve as our face—civilian face, if you will—in embassies and consulate offices around the world, particularly those who have served in the horrific backdrop of 9/11 in a region that is now overwhelmed with conflict—to say to their families that our priority will be to offer you sympathy and to mourn with you and to love you and to indicate that we will not allow divisiveness to fall on the issue of who did it.

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

Mr. MCDERMOTT. I yield the gentlelady an additional minute.

Ms. JACKSON LEE of Texas. What we will do is to raise the flag as Americans and evenhandedly and quickly investigate the source of this horrific incident to our family members. We will not let their memory be diminished by quarreling and squabbling about pointing the finger as much as it will be to investigate what actually happened.

I think it is time now, as we saw occurring just a few days ago with the welcoming home of their bodies, that America draws together to show that we are united around those who have fallen in battle and those who have served, to express our deepest respect, and of course our deepest honor for them.

□ 1700

I will go forth to work harder to ensure that we are protected with secure Council offices and embassies and enhanced security for those who are willing to put themselves on the front line. I think this is appropriate in conjunction with this present legislation, H.R. 5044, that helps our fallen veterans as well.

I thank my colleague for yielding the time.

Mr. SAM JOHNSON of Texas. I reserve the balance of my time.

Mr. MCDERMOTT. I assume, Mr. Speaker, that the majority is prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, I don't think there's anybody on this floor who has any objection to what we've tried to do here for the Carpenters.

I think that the question really is: Why do we not have regular order in the House of Representatives? This bill was so hastily drafted that it, the original version, did not even cover Carpenters, had to be amended so that it covered them. Now, that comes because you don't have hearings. That comes because you don't have witnesses come in and tell people how this works.

We witnessed a rather sad event in Libya just the other day. I was a Foreign Service officer, and I felt very strongly the feeling of sadness and grief when Foreign Service officers died.

Suppose one of them had an outstanding student loan signed for by their parents while they went to Georgetown school of whatever?

The fact is that this bill—is that line of duty? No. So now we're taking one little narrow class and we're drawing one narrow little bill, when, in fact, there are a lot of people who, in the line of duty, get killed and debt forgiveness makes sense, as it does for the Carpenters and for the families who cosigned the loan.

When your son or daughter goes off to college and you sign a loan with them, you don't expect them to die. But you certainly aren't going to withhold your signature if that's the only way your son or daughter gets an opportunity to pay for college.

But this bill says that only one line of duty service-connected—and it doesn't define ''service-connected''—and it's only if you're in the military. There are a lot of other people who serve in this country, in public service—police officers, firemen, Foreign Service officers.

There are a lot of people who ought to have been considered when this bill was brought before us. It was not brought before the committee, just popped out here on the floor as a unanimous consent bill.

Now, this Congress has been the most do-nothing Congress in the history of the country—less hearings, less bills—but we have had 302 votes in this Congress to reduce regulations on the environment. We found time for every fifth vote in the last 2 years to have been to reduce regulations protecting the environment. We couldn't have hearings on something like this because we were busy doing things like that. We spent 33 times trying to repeal the Affordable Care Act. We simply have not dealt with the problems that face this country.

There's another issue that ought to be before the committee. It's as important, perhaps, as this issue, perhaps affects more people. That's the debt forgiveness that comes by the money that banks reduce the principal on loans.

Now, if you have a loan for $300,000 and you have to refinance it, and you go and it's assessed, your house is now only worth 200,000, you're out of luck.

Your house is under water. Now, the bank can reduce the principal down to 200,000. They can grant you $100,000 forgiveness. But you know what happens to you when that happens? That 100,000 appears on your doorstep as income in the next taxing cycle.

That provision is in—we have an exemption for that presently, but it's expiring in January, and we simply have not even brought that issue up. There are thousands of people out there with foreclosures on their homes who are being socked or will be socked by debt forgiveness by banks. Those are the kinds of other issues that should have been dealt with.

Everyone's going to vote for this bill. I suspect that unless the Republicans want a vote on it for PR purposes, it'll go without a sound. None of us are going to ask for a vote, because it's obvious that this is one of those places where you want to make sure that a family who gives their son or their daughter does not get socked with a debt on top of it.

I urge my colleagues to vote for this, but urge the leadership on the other side to think about having hearings and reestablishing the regular order in the House so that we can answer some of the questions that are about this bill and think about many of the other issues that we have not dealt with.

We're within 2 days of the end of this Congress, and we've got thousands of issues. Everybody knows that November and December are going to be terrible because we're going to be right back here trying then to deal, on the back of a galloping horse, with a huge number of issues that have not been dealt with by the shortest Congress, the least hearings, the least bills passed.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate our guys fighting for us.

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5044, as amended, currently under consideration.

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

There was no objection.

Mr. SAM JOHNSON of Texas. I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 5044, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

FEMA REAUTHORIZATION ACT OF 2012

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2903) to reauthorize the programs and activities of the Federal Emergency Management Agency, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2903

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FEMA Reauthorization Act of 2012''.

(b) TABLE OF CONTENTS.—

TITLE I—REAUTHORIZATION OF FEMA AND MODERNIZATION OF INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) is amended to read as follows:

''SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title and the amendments made by this title for the salaries and expenses of the Agency—

''(1) for fiscal year 2012, $1,031,378,000, including amounts transferred from grant programs;

''(2) for fiscal year 2013, $1,031,378,000, including amounts transferred from grant programs; and

''(3) for fiscal year 2014, $1,031,378,000, including amounts transferred from grant programs.''.

SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) SHORT TITLE.—This section may be cited as the ''Integrated Public Alert and Warning System Modernization Act of 2012''.

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.—

(1) IN GENERAL.—To provide timely and effective disaster warnings under this section, the President, acting through the Administrator of the Federal Emergency Management Agency, shall—

(A) modernize the integrated public alert and warning system of the United States (in this section referred to as the ''public alert and warning system'') to ensure that the President under all conditions is able to alert and warn governmental authorities and the civilian population in areas endangered by disasters; and

(B) implement the public alert and warning system.

(2) IMPLEMENTATION REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall, consistent with the recommendations in the final report of the Integrated Public Alert and Warning System Advisory Committee (established under subsection (c))—

(A) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(B) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

(C) include in the public alert and warning system the capability to alert and warn, and provide the equivalent amount of information to individuals with disabilities and individuals with access and functional needs;

(D) ensure that training, tests, and exercises are conducted for the public alert and warning system and that the system is incorporated into other training and exercise programs of the Department of Homeland Security, as appropriate;

(E) establish and integrate into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, Tribal, and local government officials in the use of the Common Alerting Protocol enabled Emergency Alert System;

(F) conduct, at least once every 3 years, periodic nationwide tests of the public alert and warning system; and

(G) ensure that the public alert and warning system is resilient, secure, and can withstand acts of terrorism and other external attacks.

(3) SYSTEM REQUIREMENTS.—The public alert and warning system shall—

(A) incorporate multiple communications technologies;

(B) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(C) to the extent technically feasible, be designed to provide alerts to the largest portion of the affected population, including nonresident visitors and tourists and individuals with disabilities and access and functional needs, and improve the ability of remote areas to receive alerts;

(D) promote local and regional public and private partnerships to enhance community preparedness and response;

(E) provide redundant alert mechanisms if practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device; and

(F) include a mechanism to ensure the protection of individual privacy.

(4) IMPLEMENTATION PLAN.—Not later than 180 days after the date of submission of the report of the Integrated Public Alert and Warning System Advisory Committee, the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed plan to implement the public alert and warning system. The plan shall include a timeline for implementation, a spending plan, and recommendations for any additional authority that may be necessary to fully implement this subsection.

(5) MAXIMUM FUNDS.—The Administrator may use not more than $13,287,000 of the amount made available pursuant to section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) for each of fiscal years 2012, 2013, and 2014 to carry out the provisions of this section.

(c) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the ''Advisory Committee'').

(2) MEMBERSHIP.—The Advisory Committee shall be composed of the following members (or their designees) to be appointed by the Administrator as soon as practicable after the date of enactment of this Act:

(A) The Chairman of the Federal Communications Commission.

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce.

(C) The Assistant Secretary for Communications and Information of the Department of Commerce.

(D) Representatives of State and local governments, representatives of emergency management agencies, and representatives of emergency response providers, selected from among individuals nominated by national organizations representing governments and personnel.

(E) Representatives from federally recognized Indian tribes and national Indian organizations.

(F) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

(i) communications service providers;

(ii) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(iii) third-party service bureaus;

(iv) the broadcasting industry;

(v) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(vi) the cellular industry;

(vii) the cable industry;

(viii) the satellite industry; and

(ix) national organizations representing individuals with disabilities and access and functional needs and national organizations representing the elderly.

(G) Qualified representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

(3) CHAIRPERSON.—The Administrator shall serve as the Chairperson of the Advisory Committee.

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 120 days after the date of enactment of this Act.

(B) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the Chairperson.

(C) NOTICE; OPEN MEETINGS.—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(5) RULES.—

(A) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(B) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the Chairperson may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as the Chairperson considers necessary.

(C) ADDITIONAL RULES.—The Advisory Committee may adopt such other rules as are necessary to carry out its duties.

(6) CONSULTATION WITH NONMEMBERS.—The Advisory Committee and the program offices for the integrated public alert and warning system for the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technologies that may be beneficial to the public alert and warning system. Such groups may include—

(A) the Defense Advanced Research Projects Agency;

(B) entities engaged in federally funded research; and

(C) academic institutions engaged in relevant work and research.

(7) RECOMMENDATIONS.—The Advisory Committee shall develop recommendations for an integrated public alert and warning system, including—

(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system; and

(B) recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies;

(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(v) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

(vi) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(vii) provides redundant alert mechanisms if practicable in order to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(8) INITIAL AND ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Advisory Committee shall submit to the Administrator, the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the recommendations of the Advisory Committee.

(9) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

(10) TERMINATION.—The Advisory Committee shall terminate not later than 3 years after the date of enactment of this Act.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Department of Commerce or the Federal Communications Commission.

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

''(3) HAZARD.—The term 'hazard' has the meaning given that term by section 602.

''(4) NON-EMPLOYEE SYSTEM MEMBER.—The term 'non-employee System member' means a System member not employed by a sponsoring agency or participating agency.

''(5) PARTICIPATING AGENCY.—The term 'participating agency' means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

''(6) SPONSORING AGENCY.—The term 'sponsoring agency' means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

''(7) SYSTEM.—The term 'System' means the National Urban Search and Rescue Response System to be administered under this section.

''(8) SYSTEM MEMBER.—The term 'System member' means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

''(9) TASK FORCE.—The term 'task force' means an urban search and rescue team designated by the Administrator to participate in the System.

''(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

''(c) FUNCTIONS.—In administering the System, the Administrator shall provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards.

''(d) TASK FORCES.—

''(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administrator shall determine the criteria for such participation.

''(2) SPONSORING AGENCIES.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

''(3) COMPOSITION.—

''(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the

sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency of the task force with respect to the participation of the participating agency on the task force.

''(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency of the task force. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

''(e) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management teams and other technical teams as the Administrator determines are necessary to administer the System.

''(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

''(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

''(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not affect any other authority of the Administrator under this Act.

''(4) LIMITATION.—A System member who is appointed into Federal service under paragraph (1) shall not be considered an employee of the United States for purposes other than those specifically set forth in this section.

''(g) COMPENSATION.—

''(1) PAY OF SYSTEM MEMBERS.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force—

''(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

''(B) to make payments directly to a nonemployee System member on the task force for any period during which the non-employee System member is appointed into Federal service under subsection (f)(1).

''(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

''(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

''(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

''(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal service under subsection (f)(1).

''(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

''(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

''(2) ELECTION OF BENEFITS.—

''(A) IN GENERAL.—If a System member (or, in the case of the death of the System member, the System member's dependent) is entitled—

''(i) under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5, United States Code, by reason of personal injury, illness, disability, or death, and

''(ii) to receive benefits from a State or local government by reason of the same personal injury, illness, disability, or death,

the System member or dependent shall elect to receive either the benefits referred to in clause (i) or (ii).

''(B) DEADLINE.—A System member or dependent shall make an election of benefits under subparagraph (A) not later than 1 year after the date of the personal injury, illness, disability, or death that is the reason for the benefits or until such later date as the Secretary of Labor may allow for reasonable cause shown.

''(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

''(3) REIMBURSEMENT FOR STATE OR LOCAL BENEFITS.—Subject to such terms and conditions as the Administrator may impose by regulation, in the event that a System member or dependent elects benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of those benefits.

''(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, is deemed an employee of the Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure.

''(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply:

''(1) Service as a System member is deemed 'service in the uniformed services' for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

''(2) Preclusion of giving notice of service by necessity of appointment under this section is deemed preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

''(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member's qualifications in any professional, mechanical, or other skill or type of assistance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

''(l) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Administrator shall establish and maintain an advisory committee to provide expert recommendations to the Administrator in order to assist the Administrator in administering the System.

''(2) COMPOSITION.—The advisory committee shall be composed of members from geographically diverse areas, and shall include—

''(A) the chief officer or senior executive from at least 3 sponsoring agencies;

''(B) the senior emergency manager from at least 2 States that include sponsoring agencies; and

''(C) at least 1 representative recommended by the leaders of the task forces.

''(3) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee under this subsection.

''(m) PREPAREDNESS COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

''(A) Training and exercises, including training and exercises with other Federal, State, and local government response entities.

''(B) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

''(C) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

''(2) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding section 1552(b) of title 31, United States Code, amounts made available for cooperative agreements under this subsection that are not expended shall be deposited in an Agency account and shall remain available for such agreements without fiscal year limitation.

''(n) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

''(o) OBLIGATIONS.—The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

''(p) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the System and the provisions of this section $35,250,000 for each of fiscal years 2012, 2013, and 2014.

''(2) ADMINISTRATIVE EXPENSES.—The Administrator may use not to exceed 6 percent of the funds appropriated for a fiscal year pursuant to paragraph (1) for salaries, expenses, and other administrative costs incurred by the Administrator in carrying out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Section 8101(1) of title 5, United States Code, is amended—

(A) in subparagraph (D) by striking ''and'' at the end;

(B) by moving subparagraph (F) to appear after subparagraph (E);

(C) in subparagraph (F)—

(i) by striking ''United States Code,''; and

(ii) by adding ''and'' at the end; and

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

''(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;''.

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13) by inserting '', a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act'' before '', and a period''; and

(B) in paragraph (16) by inserting after ''Public Health Service,'' the following: ''System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,''.

SEC. 202. REAUTHORIZATION OF EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

(a) IN GENERAL.—Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196 et seq.) is amended by adding at the end the following:

''SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

''(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may make grants to provide for implementation of the Emergency Management Assistance Compact consented to by Congress in the joint resolution entitled 'Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact' (Public Law 104–321; 110 Stat. 3877).

''(b) ELIGIBLE GRANT RECIPIENTS.—States and the Administrator of the Emergency Management Assistance Compact shall be eligible to receive grants under subsection (a).

''(c) USE OF FUNDS.—A grant received under this section shall be used—

''(1) to carry out recommendations identified in the Emergency Management Assistance Compact after-action reports for the 2004 and 2005 hurricane seasons;

''(2) to administer compact operations on behalf of States, as such term is defined in the compact, that have enacted the compact;

''(3) to continue coordination with the Federal Emergency Management Agency and appropriate Federal agencies;

''(4) to continue coordination with States and local governments and their respective national organizations; and

''(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.

''(d) COORDINATION.—The Administrator of the Federal Emergency Management Agency shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2012, 2013, and 2014. Such sums shall remain available until expended.''.

(b) REPEAL.—Section 661 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761) is repealed.

SEC. 203. DISPOSAL OF EXCESS PROPERTY TO ASSIST OTHER DISASTER SURVIVORS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended by this Act is further amended by adding at the end the following:

''SEC. 328. DISPOSAL OF EXCESS MATERIALS, SUPPLIES, AND EQUIPMENT.

''(a) IN GENERAL.—Notwithstanding any other provision of law, if the President determines that materials, supplies, or equipment acquired by the President pursuant to title IV or V for response or recovery efforts in connection with a major disaster or emergency are in excess of the amount needed for those efforts, the President may transfer the excess materials, supplies, or equipment directly to a State, local government, or relief or disaster assistance organization for the purpose of—

''(1) assisting disaster survivors in other major disasters and emergencies; and

''(2) assisting survivors in incidents caused by a hazard that do not result in a declaration of a major disaster or emergency if the Governor of the affected State certifies that—

''(A) there is an urgent need for the materials, supplies, or equipment; and

''(B) the State is unable to provide the materials, supplies, or equipment in a timely manner.

''(b) HAZARD DEFINED.—In this section, the term 'hazard' has the meaning given that term by section 602.''.

SEC. 204. STORAGE, SALE, TRANSFER, AND DISPOSAL OF HOUSING UNITS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of FEMA.

(2) EMERGENCY; MAJOR DISASTER.—The terms ''emergency'' and ''major disaster'' have the meanings given such terms in section 102 of the Stafford Act (42 U.S.C. 5122).

(3) FEMA.—The term ''FEMA'' means the Federal Emergency Management Agency.

(4) HAZARD.—The term ''hazard'' has the meaning given such term in section 602 of the Stafford Act (42 U.S.C. 5195a).

(5) STAFFORD ACT.—The term ''Stafford Act'' means the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRITERIA.—Not later than 90 days after the date of enactment of this Act, the Administrator shall complete an assessment to determine the number of temporary housing units that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a plan and guidelines for—

(A) storing the number of temporary housing units that FEMA needs to maintain in stock, as determined by the Administrator under subsection (b); and

(B) selling, transferring, donating, or otherwise disposing of the temporary housing units in the inventory of FEMA that are in excess of the number of temporary housing units that FEMA needs to maintain in stock, as determined by the Administrator under subsection (b).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the actions that the Administrator has taken to establish and implement the plan and guidelines established under paragraph (1).

(B) REQUIRED INFORMATION.—In each report submitted under subparagraph (A), the Administrator shall document the number of temporary housing units remaining in the inventory of FEMA and the number of units sold, transferred, donated, and otherwise disposed of pursuant to this section.

(3) UPDATE.—The Administrator shall update the plan established under paragraph (1) as necessary to ensure that the Administrator maintains in the inventory of FEMA only those temporary housing units that are needed to respond appropriately to emergencies or major disasters.

(d) TRANSFER OF TEMPORARY HOUSING UNITS TO STATES.—

(1) IN GENERAL.—Notwithstanding section 408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)), and subject to the requirements of paragraph (2), the Administrator may transfer or donate to States, on a priority basis, pursuant to subsection (c)(1)(B), excess temporary housing units in the inventory of FEMA.

(2) STATE REQUESTS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, a State may submit to the Administrator a request to receive excess temporary housing units under paragraph (1).

(B) ELIGIBILITY.—A State shall be eligible to receive excess temporary housing units under paragraph (1) if the State agrees—

(i) to use the units to provide temporary housing to survivors of incidents that are caused by hazards and that the Governor of the State determines require State assistance;

(ii) to pay to store and maintain the units;

(iii) in the event of a major disaster or emergency declared for the State by the President under the Stafford Act, to make the units available to the President or to use the units to provide housing directly to survivors of the major disaster or emergency in the State;

(iv) to comply with the nondiscrimination provisions of section 308 of the Stafford Act (42 U.S.C. 5151); and

(v) to obtain and maintain hazard and flood insurance on the units.

(C) INCIDENTS.—The incidents referred to in subparagraph (B)(i) may include incidents that do not result in a declaration of a major disaster or emergency by the President under the Stafford Act.

(3) DISTRIBUTION.—

(A) ESTABLISHMENT OF PROCESS.—The Administrator shall establish a process—

(i) to review requests submitted by States under paragraph (2); and

(ii) to distribute excess temporary housing units that are in the inventory of FEMA.

(B) ALLOCATION.—If the number of temporary housing units requested by States under paragraph (2) exceeds the number of excess temporary housing units available, the Administrator shall allocate the available units among the States that have submitted a request.

(4) REMAINING TEMPORARY HOUSING UNITS.—Temporary housing units that are not transferred or donated under paragraph (1) shall be sold, transferred, donated, or otherwise disposed of subject to the requirements of section 408(d)(2) of the Stafford Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect section 689k of the Post-

Katrina Emergency Management Reform Act of 2006 (120 Stat. 1456). For purposes of that section, a transfer or donation to a State of a temporary housing unit under paragraph (1) shall be treated as a disposal to house individuals or households under section 408 of the Stafford Act (42 U.S.C. 5174).

SEC. 205. OTHER METHODS OF DISPOSAL.

Section 408(d)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)) is amended—

(1) in clause (i) by striking ''or'';

(2) in clause (ii) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) may be sold, transferred, or donated directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in disasters and incidents caused by a hazard (as such term is defined in section 602) that do not result in a declaration of a major disaster or emergency if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

''(I) to comply with the nondiscrimination provisions of section 308; and

''(II) to obtain and maintain hazard and flood insurance for the housing units.''.

SEC. 206. ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.

Not later than 180 days after the date of enactment of this Act, the President shall establish the criteria required under section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)).

SEC. 207. REVIEW OF REGULATIONS AND POLICIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall review regulations and policies relating to Federal disaster assistance to eliminate regulations the President determines are no longer relevant, to harmonize contradictory regulations, and to simplify and expedite disaster recovery and assistance.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing changes made to regulations as a result of the review required under subsection (a), together with any legislative recommendations relating thereto.

(c) STATE HAZARD MITIGATION PLANS.—The President, acting through the Administrator, shall revise regulations related to the submission of State Hazard Mitigation Plans to extend the hazard mitigation planning cycle to every 5 years, consistent with local planning cycles.

SEC. 208. APPEALS PROCESS.

Section 423(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189a(b)) is amended to read as follows:

''(b) PERIOD FOR DECISION.—

''(1) IN GENERAL.—A decision regarding an appeal under subsection (a) shall be rendered within 60 days after the date on which the Federal official designated to administer such appeal receives notice of such appeal.

''(2) FAILURE TO SATISFY DEADLINE.—If the Federal official fails to satisfy the requirement under paragraph (1), the Federal official shall provide a written explanation of such failure to the applicant. The President, acting through the Administrator of the Federal Emergency Management Agency, shall transmit quarterly to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such failures.''.

SEC. 209. IMPLEMENTATION OF COST ESTIMATING.

Not later than 180 days after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall issue and begin to implement the regulations required by section 406(e)(3)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(3)(C)) to provide for cost estimation procedures that expedite recovery and to reduce the costs and time for completion of recovery projects through the creation of financial and performance incentives.

SEC. 210. TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.

(a) MAJOR DISASTER REQUESTS.—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(1) by striking ''All requests for a declaration'' and inserting ''(a) IN GENERAL.—All requests for a declaration''; and

(2) by adding at the end the following:

''(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this title or section 319 to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this title through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

''(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In providing assistance to an Indian tribal government under this title, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

''(A) the President has the authority to waive or adjust the payment under another provision of this title; and

''(B) the President determines that the waiver or adjustment is necessary and appropriate.

''(2) CRITERIA FOR MAKING DETERMINATIONS.—The President shall establish criteria for making determinations under paragraph (1)(B).''.

(b) EMERGENCY REQUESTS.—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

''(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

''(1) IN GENERAL.—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

''(2) REFERENCES.—In implementing assistance authorized by the President under this title in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this title or section 319 to a State or the Governor of a State shall be deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

''(3) SAVINGS PROVISION.—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this title through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.''.

(c) DEFINITIONS.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in paragraph (7)(B) by striking ''; and'' and inserting '', that is not an Indian tribal government as defined in paragraph (6); and'';

(2) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(3) by inserting after paragraph (5) the following:

''(6) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).''; and

(4) by adding at the end the following:

''(12) CHIEF EXECUTIVE.—The term 'Chief Executive' means the person who is recognized by the Secretary of the Interior as the chief elected administrative officer of an Indian tribal government.''.

(d) REFERENCES.—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following:

''SEC. 103. REFERENCES.

''Except as otherwise specifically provided, any reference in this Act to 'State and local', 'State or local', or 'State, local' with respect to governments or officials and any reference to a 'local government' in section 417 is deemed to refer also to Indian tribal governments and officials, as appropriate.''.

(e) REGULATIONS.—

(1) ISSUANCE.—The President shall issue regulations to carry out the amendments made by this section.

(2) FACTORS.—In issuing the regulations, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

SEC. 211. INDIVIDUAL ASSISTANCE FACTORS.

In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma), to measure the severity, magnitude, and impact of a disaster.

SEC. 212. PUBLIC ASSISTANCE PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The President, acting through the Administrator of the Federal Emergency Management Agency, and in coordination with States, tribal and local governments, and owners or operators of private non-profit facilities, shall establish and conduct a pilot program to—

(A) reduce the costs to the Government of providing assistance to States, tribal and local governments, and owners or operators of private non-profit facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) (referred to in this section as the ''Act'');

(B) increase flexibility in the administration of section 406 of such Act; and

(C) expedite the provision of assistance to States, tribal, and local governments provided under section 406 of the Act.

(2) PARTICIPATION.—Only States, tribal and local governments, and owners or operators of private non-profit facilities that elect to participate in the pilot program may participate in the pilot program for their projects.

(3) ADMINISTRATION.—

(A) IN GENERAL.—For the purposes of the pilot program, the Administrator shall establish new procedures to administer assistance provided under section 406 of the Act.

(B) NEW PROCEDURES.—The new procedures established under subparagraph (A) shall include—

(i) making grants on the basis of estimates agreed to by the State, tribal, or local government, or owner or operator of a private non-profit facility and the Administrator to provide financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private non-profit facility for the timely and cost-effective completion of projects under section 406 of the Act;

(ii) notwithstanding sections 406(c)(1)(A) and 406(c)(2)(A) of the Act, providing an option for a State, tribal, or local government, or owner or operator of a private non-profit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government and of management expenses;

(iii) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private non-profit facility as a single project based upon the estimates established under the pilot procedures; and

(iv) notwithstanding any other provision of law, if the actual costs of a project completed under the pilot procedures are less than the estimated costs thereof, the Administrator may permit a grantee or sub grantee to use all or part of the excess funds for cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

(4) WAIVER.—The Administrator may waive such regulations or rules applicable to the provisions of assistance in section 406 of the Act as the Administrator determines are necessary to carry out the pilot program under this section.

(b) REPORT.—

(1) IN GENERAL.—Not later than October 31, 2015, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the effectiveness of the pilot program under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an assessment by the Administrator of any administrative or financial benefits of the pilot program;

(B) an assessment by the Administrator of the effect, including any savings in time and cost, of the pilot program;

(C) any other findings and conclusions of the Administrator with respect to the pilot program; and

(D) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.

(c) DEADLINE FOR INITIATION OF IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall begin implementation of the pilot program under this section.

(d) PILOT PROGRAM DURATION.—The Administrator may not approve a project under the pilot program under this section after December 31, 2014.

SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCEDURES.

(a) IN GENERAL.—The President, acting through the Administrator of the Federal Emergency Management Agency, shall establish new procedures to administer assistance for debris and wreckage removal provided under sections 403(a)(3)(A), 407, and 502(a)(5) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

(b) NEW PROCEDURES.—The new procedures established under subsection (a) may include—

(1) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion of projects under sections 403(a)(3)(A), 407, and 502(a)(5) of such Act if the State, tribal, or local government, or owner or operator of the private non-profit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

(2) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

(3) allowing utilization of program income from recycled debris without offset to grant amount;

(4) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private non-profit facility performing or administering debris and wreckage removal; and

(5) notwithstanding any other provision of law, if the actual costs of projects under subsection (b)(1) are less than the estimated costs thereof, the Administrator may permit a grantee or sub grantee to use all or part of the excess funds for any of the following purposes:

(A) Debris management planning.

(B) Acquisition of debris management equipment for current or future use.

(C) Other activities to improve future debris removal operations, as determined by the Administrator.

SEC. 214. USE OF FUNDS.

Unless otherwise specified in this Act, the Administrator of the Federal Emergency Management Agency shall use amounts authorized pursuant to section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) for reviews, reports, and studies included in this Act.

SEC. 215. REDUCTION OF AUTHORIZATION FOR EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

Section 662(f)(5) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended by striking ''$950,000,000'' and inserting ''$946,600,000''.

SEC. 216. TECHNICAL CORRECTION.

Section 202(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking ''section 611(c)'' and inserting ''section 611(d)''.

SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''Dam Safety Act of 2012''.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) AMENDMENTS TO THE NATIONAL DAM SAFETY PROGRAM ACT.—

(1) ADMINISTRATOR.—

(A) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(B) CONFORMING AMENDMENT.—Section 2(3) of such Act (33 U.S.C. 467(3)) is amended in the paragraph heading by striking ''DIRECTOR'' and inserting ''ADMINISTRATOR''.

(2) INSPECTION OF DAMS.—Section 3(b)(1) of such Act (33 U.S.C. 467a(b)(1)) is amended by striking ''or maintenance'' and inserting ''maintenance, condition, or provision for emergency operations''.

(3) NATIONAL DAM SAFETY PROGRAM.—

(A) OBJECTIVES.—Section 8(c)(4) of such Act (33 U.S.C. 467f(c)(4)) is amended to read as follows:

''(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in mitigating against, preparing for, responding to, and recovering from dam incidents;''.

(B) BOARD.—Section 8(f)(4) of such Act (33 U.S.C. 467f(f)(4)) is amended by inserting '', representatives from nongovernmental organizations,'' after ''State agencies''.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) NATIONAL DAM SAFETY PROGRAM.—

(i) ANNUAL AMOUNTS.—Section 13(a)(1) of such Act (33 U.S.C. 467j(a)(1)) is amended by striking ''$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011'' and inserting ''$8,024,000 for each of fiscal years 2012 through 2015''.

(ii) MAXIMUM AMOUNT OF ALLOCATION.—

(I) IN GENERAL.—Section 13(a)(2)(B) of such Act (33 U.S.C. 467j(a)(2)(B)) is amended by striking ''50 percent of the reasonable cost of implementing the State dam safety program'' and inserting ''the amount of funds committed by the State to implement dam safety program activities''.

(II) APPLICABILITY.—The amendment made by subclause (I) shall apply to fiscal year 2013 and each fiscal year thereafter.

(B) NATIONAL DAM INVENTORY.—Section 13(b) of such Act (33 U.S.C. 467j(b)) is amended by striking ''$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011'' and inserting ''$383,000 for each of fiscal years 2012 through 2015''.

(C) RESEARCH.—Section 13(c) of such Act (33 U.S.C. 467j(c)) is amended by striking ''$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011'' and inserting ''$1,000,000 for each of fiscal years 2012 through 2015''.

(D) DAM SAFETY TRAINING.—Section 13(d) of such Act (33 U.S.C. 467j(d)) is amended by striking ''$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011'' and inserting ''$750,000 for each of fiscal years 2012 through 2015''.

(E) STAFF.—Section 13(e) of such Act (33 U.S.C. 467j(e)) is amended by striking ''$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011'' and inserting ''$436,000 for each of fiscal years 2012 through 2015''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2903, as amended.

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

There was no objection.

□ 1710

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

H.R. 2903, the FEMA Reauthorization Act, would reauthorize FEMA and make important reforms that will save money and speed up disaster recovery. It keeps FEMA funding at current levels and fully complies with House budget rules, and it includes bipartisan provisions passed by the House last Congress. This legislation is the product of key Members working together to produce real reforms.

First, let me thank Chairman JOHN MICA, the chairman of the Transportation and Infrastructure Committee, for his strong leadership and work on this legislation.

I also want to thank Ranking Member NORTON, of the subcommittee, for her help in drafting legislation that protects our first responders, incorporates real reforms, and strengthens our emergency management capability.

The legislation also incorporates a top priority of the ranking member's of the full committee, Mr. RAHALL's, which enables Indian tribes to request disaster declarations—provisions I support. I thank him for his work on these important provisions.

I also want to thank Chairman KING of the Committee on Homeland Security and to thank Chairman BILIRAKIS of the Subcommittee on Emergency Preparedness, Response, and Communications for their leadership and working with us on the integrated public alert and warning system provisions of the bill. I look forward to working with the Committee on Homeland Security on other important issues.

Finally, I want to thank the gentlemen from New York and Missouri, Mr. HANNA and Mr. CARNAHAN, for their work and leadership on reauthorizing the National Dam Safety Program included in this bill.

I am also pleased that this legislation has wide support from key stakeholders representing first responders, State and local officials, tribal communities, and the private sector.

We have received letters endorsing provisions in this bill from the National Emergency Management Association, the International Association of Emergency Managers, the National Alliance of State Broadcasting Associations, the National Association of Broadcasters, the National Association of Counties, the Association of State Dam Safety Officials, the Disaster Recovery Contractors Association, the National Task Force Representative for the 28 sponsoring agencies of Urban Search and Rescue Task Forces, and tribal communities around the Nation.

The Transportation and Infrastructure Committee has a long tradition of approaching FEMA and emergency management issues in a bipartisan manner. Disasters don't follow political boundaries, and ensuring we are prepared is critical to our Nation. From major hurricanes to floods, earthquakes, tornadoes, wildfires, nuclear accidents, and terrorist attacks, the costs of disasters can be significant, not just in terms of economic costs, but in the devastation to lives, homes, and communities. A good response to a disaster is critical to saving lives and minimizing damage, but recovering from such devastation is the key to rebuilding local economies and in helping people put their lives back together.

After Hurricane Katrina, Congress authorized FEMA for the first time and fundamentally reformed the Nation's disaster response system. Congress rebuilt FEMA and strengthened disaster response capabilities. We created a National Preparedness System so that States and the Federal Government will have the plans and resources in place before disaster strikes. But, as the reconstruction from Hurricane Katrina dragged on and on, it became apparent Congress needed to streamline the disaster recovery programs so communities can rebuild faster and for less money. The longer it takes to rebuild basic infrastructure after a disaster, the longer it takes for a local economy and tax base to recover and the more it costs Federal taxpayers.

The FEMA Reauthorization Act includes key reforms to save money by cutting through costly and bureaucratic red tape and speeding up reconstruction. For example, at one of our subcommittee hearings last year, the inspector general's office testified that, if FEMA just implemented the cost estimating provisions of the Disaster Mitigation Act, recovery could be sped up significantly and costs minimized.

H.R. 2903 sets deadlines for FEMA to finally implement these commonsense provisions, and it makes other changes that will save taxpayers money. This bill also would make other important reforms, including setting a clear framework for the development of the Integrated Public Alert and Warning System, the IPAWS system, to ensure money is not wasted.

At the committee's request, the GAO issued a report in 2009 detailing the key problems with FEMA's development of IPAWS. We also heard from many stakeholders, including the elderly, people with disabilities, as well as from industries like the commercial broadcasters and wireless industry, that FEMA was not giving them a seat at the table as FEMA modernized the system.

H.R. 2903 sets a clear framework and deadlines to ensure key stakeholders are a part of FEMA's modernization of the system. This will be critical in ensuring there are effective alerts and warnings to the public. In addition to these commonsense reforms, this reauthorizes FEMA's overall management budget, the Urban Search and Rescue System, and the Emergency Management Assistance Compact.

This legislation will save lives, save money, and help communities that have been devastated by disasters to recover and rebuild faster. I urge my colleagues to support H.R. 2903, as amended.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 17, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing in regards to the jurisdictional interest of the Committee on Homeland Security over provisions in H.R. 2903, the FEMA Reauthorization Act of 2011, which was ordered to be reported by voice vote as amended by the Committee on Transportation and Infrastructure on March 8, 2012 and sequentially referred to the Committee on Homeland Security on September 17, 2012.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will discharge H.R. 2903 from further consideration. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. In addition, I would like to thank you for working with me on modifying H.R. 2903 to include provisions that were within Chairman Bilirakis' bill, H.R. 3563, the Integrated Public Alert and Warning System Modernization Act of 2011. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this or similar legislation.

I also request that this letter and your response be included during consideration of this measure on the House floor. Thank you for your consideration of this matter.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 18, 2012.

Hon. PETER T. KING
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the H.R. 2903, the FEMA Reauthorization Act of 2011. I appreciate your willingness to support expediting floor consideration of this legislation.

I understand and agree that your willingness to forgo further consideration of the bill is without prejudice to your Committee's jurisdictional interest in this or similar legislation. In the event a House-Senate conference is convened on H.R. 2903 or similar legislation, I would support your request to be represented on those provisions over which the Committee on Homeland Security has jurisdiction.

I appreciate your cooperation regarding this legislation and I will include our letters on H.R. 2903 in the Congressional Record during House floor consideration of the bill.

Sincerely,

JOHN L. MICA,
Chairman.

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

I want to thank the chairman for the bipartisan measures this bill contains, measures like the Integrated Public Alert and Warning System and a number of others.

I rise in support of H.R. 2903. This bipartisan measure reauthorizes the Federal Emergency Management Agency, FEMA; authorizes an Integrated Public Alert and Warning System; and includes many provisions that were incorporated into similar legislation in past Congresses. I am pleased to see them, once again, come to the floor. Perhaps we can get them through the House and the Senate at some point in the near future, because these are not controversial matters.

Despite our broad support for this measure, we are disappointed in the authorized levels of funding for FEMA and the disaster assistance programs. Instead of evaluating the needs of the agency and its programs and then establishing the maximum amounts that would be appropriate, the Transportation and Infrastructure Committee, through this bill, is essentially deferring to the Appropriations Committee to tell the authorizers how to do their jobs by only authorizing amounts equal to the last appropriated amounts.

Let me be clear, however. If we authorized the maximum that could be needed, the budget deficit would not be increased. The amount authorized merely specifies need while only the actual amounts appropriated can affect the amounts spent. It is the authorizers who are to speak to need. It is for the Members who, in fact, decide how to divide the funds, the appropriators, once the need is assessed, to decide how much the country can afford to spend. They need our expert guidance. They don't have it in this bill.

I would also like to call attention to a few important changes included in this legislation:

For example, H.R. 2903 improves many of FEMA's programs and activities, including codifying the debris removal program. The current debris removal program is based on a pilot program from several years ago. We have heard firsthand from local governments and emergency management professionals about the need to make this successful program—a program that we have already piloted—permanent to help local communities expedite recovery from disasters.

In addition, this bill addresses a long expressed concern of mine about the need to expedite FEMA's appeals process. Without firm timelines, the current appeals process has led to long and unnecessary delays in disaster closeouts. This, in turn, has prevented disaster funds obligated for a specific disaster from being deobligated and returned to the Disaster Relief Fund. Last fall, as the Disaster Relief Fund was on the brink of running out of funds, FEMA was actually able to close out several disaster accounts and find the necessary funds to finance disaster relief until Congress replenished the fund.

□ 1720

Moreover, timely resolution of these appeals will allow these funds to be used for infrastructure repair, which will assist the economic recovery for communities hard hit by disasters.

More than 12 years ago, Congress enacted the Disaster Mitigation Act of 2000, directing FEMA to begin using cost estimating for repair and reconstruction projects to expedite the recovery process and disaster closeout. Yet, today, FEMA still has not promulgated regulations to implement this provision. H.R. 2903 requires FEMA to promulgate these regulations and to implement cost estimating within 180 days of the passage of this act. We mean it this time.

This provision also will eliminate one of the most inefficient and ridiculous uses of Federal funds that I know of, one that has gotten on my last nerve, where FEMA pays not only for its own experts, but also for the States' experts, essentially encouraging the submission of competing estimates of cost repair, instead of each side deciding on a neutral party to, in fact, estimate those costs.

Finally, FEMA Administrator Fugate has requested that I note FEMA's support for section 210 of this bill, which would authorize Indian tribes to directly make a request to the President for a disaster or emergency declaration. This provision acknowledges tribal sovereignty, enhances FEMA's working relationship with the tribal governments, and improves emergency and disaster responsiveness throughout Indian Country. Numerous Indian tribes have expressed support for this provision, as has the National Congress of American Indians.

I want especially to thank the ranking member, Mr. RAHALL, for his leadership on this and other issues in this bill.

Despite my concerns about the authorized amounts in this bill, H.R. 2903 is good public policy and is necessary to eliminate inefficient government actions and to expedite disaster recovery.

Mr. Speaker, I urge my colleagues to join in supporting this bill, and I reserve the balance of my time.

Mr. DENHAM. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon, chairman of the Subcommittee on Communications and Technology, Mr. WALDEN, for a colloquy.

Mr. WALDEN. I thank the chairman, and I thank my good friend from California for his terrific work on this bipartisan piece of legislation which is very important to the citizens of this country.

I also want to thank you for this colloquy.

I plan to support your bill, obviously. I think it's a good bill. I just want to clarify because I'm concerned that the language in section 102 of the bill could be construed as authorizing the imposition of requirements on the communications sector. Can you assure me that this is not the effect of this language?

Mr. DENHAM. Will the gentleman yield?

Mr. WALDEN. I yield to the gentleman.

Mr. DENHAM. This bill in no way authorizes FEMA or anyone else to impose any obligations on any participant in the communications industry. Only the FCC can require a participant in the communications industry to take any action with respect to emergency-related alerts. To make this clear, we agree to add language at a later stage indicating that nothing in this bill requires or allows FEMA or any other government entity to require any action on the part of the FCC, the Department of Commerce, the Office of Energy Communications, or any nongovernment entity; nor does it have any impact on any existing obligations of these entities.

Mr. WALDEN. I appreciate the gentleman's comments, and I welcome and thank you for them.

Ms. NORTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I want to commend my friend and colleague from California, Chairman DENHAM, as well as Ranking Member NORTON, for bringing this bill forward and for working with me to improve the bill.

I serve in a unique position by serving on both the Transportation and Infrastructure Committee, as well as Homeland Security. Although this may not be the perfect bill, as some have articulated for the record already, I would have preferred, for example, that the bill make more explicit FEMA's authority to respond to acts of terrorism, in addition to natural disasters. Yet I believe it is necessary that we pass this bill today to ensure that the men and women of FEMA have the

resources necessary to respond to emergencies and disasters in the near future.

I rise in support of the bill, specifically to the language that I added to H.R. 2903 in committee, and I believe it's essential to the well-being of the American people. Specifically, my language, which was marked up in the Committee on Transportation and Infrastructure, and accepted with bipartisan approval, would provide a series of checks and balances that keep the American public safe.

First, my language simply would ensure that the Department of Homeland Security coordinates and provides guidance to the appropriate individuals, officials, and organizations for outreach to individuals with disabilities during unforeseen disasters. This simple, straightforward language will help to keep the disabled, who are the most vulnerable and often times experience the greatest challenges during a time of disaster, safe during those disasters, and also from terrorist attacks.

Individuals with disabilities should feel as safe and secure in their communities and their work environments as individuals without disabilities. Too often, however, the needs of people with disabilities are not considered in emergency planning despite the fact that the need for such planning has received an increased focus due to the recent disasters—for example, Hurricane Katrina—both natural and man-made.

FEMA Administrator Craig Fugate has stated that:

> At FEMA, we need to do a better job of meeting the needs of people with disabilities when disaster strikes. We have to start by supporting and encouraging our entire emergency management team, including our State and local partners, to integrate the needs of people with disabilities into all planning.

My language strengthens H.R. 2903 by ensuring guidance is given to the individuals with disabilities and facilitates cooperation among Federal, State, territorial, local, and tribal governments, private organizations, and individuals in the implementation of emergency preparedness plans related to individuals with disabilities.

Additionally, I included language that would make sure that the integrated public alert and warning system, IPAWS, is properly performing and that the system needs to be tested regularly. IPAWS is the generation platform for transmitting emergency alerts. I have the experience of representing in my district, the 37th Congressional District, the largest number of Samoans outside of Samoa. If we look at that particular incident, and had we had a better working system similar to what IPAWS will be able to do, I believe many lives would not have been lost.

Mr. Speaker, as you know, in November 2011, FEMA conducted a nationwide test of the emergency alert system for the first time in the system's 50-year existence. The system met with widespread problems. With the ever-changing threat to the environment and technological landscape, we cannot afford to wait 50 years to verify if IPAWS is fully performing. To do so is irresponsible. In the case of EAS tests, significant gaps in the system's ability to provide a nationwide alert were revealed for the first time.

My language seeks to make sure that IPAWS in the future is regularly tested and to encourage the administrator of FEMA to test the system at least once every 3 years.

Mr. Speaker, I believe that the language that I submitted was accepted in a bipartisan way, strengthens this bill, and I encourage my colleagues to support the bill as a whole.

Mr. DENHAM. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 2903, the FEMA Reauthorization Act of 2012, and particularly section 102, which authorizes the integrated public alert and warning system.

Section 102 is very similar to H.R. 3563, legislation that I introduced last year to authorize IPAWS, as we call it, which was reported by the Committee on Homeland Security in March. The bill authorizes FEMA's efforts to provide timely emergency alerts and warnings through a range of alerting mechanisms and forms of technology. Emergency management officials, including officials in my home State of Florida, have stressed the value and importance of IPAWS to me personally.

□ 1730

The National Emergency Management Association has publicly supported my IPAWS legislation, and I'm pleased to see they support this bill as well.

The Subcommittee on Emergency Preparedness, Response, and Communications, which I chair, has conducted robust oversight of the IPAWS program during the 112th Congress, having held multiple hearings and a briefing on the topic.

I want to thank Chairman DENHAM for working with me and my staff to incorporate some of the provisions of my bill that were a product of this oversight into the legislation we are considering today, including language related to individuals with disabilities, access and functional needs, language ensuring the protection of individual privacy, and language regarding the resilience of the system.

I'm disappointed, however, that language I suggested to include a specific reference of the system's applicability to acts of terrorism was not incorporated into the bill. However, I look forward to working with Chairman DENHAM and our Senate colleagues as this bill moves through the legislative process to clarify this issue.

I urge my colleagues to join me in supporting this bill.

Ms. NORTON. I appreciate that Chairman DENHAM has brought this FEMA reauthorization bill to the floor.

Mr. Speaker, this bill has now gone over a couple of Congresses. The Democrats didn't get it done, and the Republicans didn't get it done. It's really too important. I hope that in the 113th Congress, this bill can be brought forward early because a lot of very good work has been done on the bill.

Mr. Speaker, I regret that as we sit and think about the 112th Congress, it will be impossible to think of a single major bill passed during these 2 years. In order to pass bills, both Houses have to get together and compromise. That seems to have been impossible, at least for this House.

We are about to leave town in September with a couple of months still to go without the middle class tax cuts just when the recovery needs a boost; in the midst of a drought, without the farm bill; and without the Violence Against Women Act, which passed with an overwhelming bipartisan vote in the Senate. What will it take to get something done? I hope the 113th Congress proves more productive.

This has been called a do-nothing Congress. I would say this Congress has done real harm. To call it a do-nothing Congress is to give it more credit than it deserves.

This is a Congress, at least in the House, that will be remembered for having voted to end Medicare as we know it and increase the cost of healthcare for seniors by $6,400. The 112th Congress will be remembered, all right, for tax breaks for the wealthy and for corporations that ship jobs overseas.

We, in the 112th Congress, have done something amazing when you consider that we have been in a recession unheard of since the Great Depression. We have left the economy entirely to the Federal Reserve Board, to monetary policy, by abandoning the job of Congress to enact fiscal policy. There has been none in the 112th Congress that has had any effect on the economy.

No wonder. We are here for only 8 days after the August recess. If our Republican majority could have phoned in the CR, I believe they would have done it, if you look at what is on our plate as we get ready to go home.

We are going home in September leaving, unthinkably, even the major business of sequestration, the ultimate bill that was passed to force us to get together and compromise. In leaving sequestration on the table, we are leaving a bill that could collapse the entire economy. It's a fitting end for a Congress that did nothing, but in fact, did harm.

I yield back the balance of my time.

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

Let me first start by saying I am proud that we have got another bipartisan bill here that addresses many different areas from FEMA to IPAWS.

Getting the tribal language in here, I think, is not only a good bipartisan effort, but one that the administration is supporting, as well working directly with Director Fugate. I was glad to see the administration put out an email on the tribal language just a little while ago.

Let me respond to the concern that this bill may not allow FEMA to respond to a terrorist attack. It's just not true.

First, the President used the Stafford Act and FEMA to declare a Federal disaster and to respond to every major terrorist attack in this country. There's no question FEMA, the Stafford Act, or this bill fully authorizes the President to direct any element of the Federal Government to respond to a terrorist attack.

Second, one of the most important reforms made by this bill is to remove the liability cloud hanging over our urban search and rescue teams when they're called into Federal service to respond to a disaster.

On September 11, these teams responded to the World Trade Center and the Pentagon. They responded to Hurricane Katrina and even the earthquake in Haiti. Many of these brave first responders are licensed medical professionals or engineers who knowingly put themselves at risk when they are federalized and sent to other States.

The urban search and rescue teams have waited 10 years to remove this cloud over their heads. This bill finally fixes that problem. That's why this bill is supported by the urban search and rescue teams, the International Association of Fire Chiefs, the National Association of Counties, the National Emergency Management Association, and the International Association of Emergency Managers.

They also support this bill and support our first responders. Vote for this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, H.R. 2903, 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.

PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5912) to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5912

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

SECTION 1. PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS.

(a) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 is amended by striking section 9008.

(b) CLERICAL AMENDMENT.—The table of sections of chapter 95 of such Code is amended by striking the item relating to section 9008.

SEC. 2. CONFORMING AMENDMENTS.

(a) AVAILABILITY OF PAYMENTS TO CANDIDATES.—The third sentence of section 9006(c) of the Internal Revenue Code of 1986 is amended by striking '', section 9008(b)(3),''.

(b) REPORTS BY FEDERAL ELECTION COMMISSION.—Section 9009(a) of such Code is amended—

(1) by adding ''and'' at the end of paragraph (2);

(2) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(3) by striking paragraphs (4), (5), and (6).

(c) PENALTIES.—Section 9012 of such Code is amended—

(1) in subsection (a)(1), by striking the second sentence; and

(2) in subsection (c), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(d) AVAILABILITY OF PAYMENTS FROM PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—The second sentence of section 9037(a) of such Code is amended by striking ''and for payments under section 9008(b)(3)''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to elections occurring after December 31, 2012.

Amend the title so as to read: ''A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentlewoman from Ohio (Ms. FUDGE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5912, which would terminate taxpayer financing of party conventions.

Mr. Speaker, I'm sorry to say that party conventions today are by and large week-long televised movie sets and almost entirely symbolic. Although conventions do provide important insight into party platforms and Presidential candidates, spending millions of taxpayer dollars to fund them, particularly in today's environment, is simply untenable.

American taxpayers should not be subsidizing political party conventions. With our historic levels of deficit spending and our national debt over $16 trillion and climbing, this Congress and this President need to be thinking very differently about how we use taxpayer dollars.

□ 1740

Since 1976, approximately $1.5 billion has been spent on publicly funding our Presidential primaries, our Presidential general elections, and our Presidential party conventions. Each party's national convention this year received almost $18 million in taxpayer funding. While I believe we should be getting rid of public funding of Presidential campaigns as well, at a minimum we should pass this commonsense measure to stop financing our parties with taxpayers' dollars. The American taxpayer has paid enough for this unwise experiment. It should be ended.

Mr. Speaker, this bill, introduced by my colleague from Oklahoma, I would hope would garner overwhelming bipartisan support. I thank him for introducing it and for his commitment to a responsible and efficient stewardship of taxpayer dollars. This should stop funding going to all party conventions. It is a bipartisan solution to a bipartisan problem.

I urge all my colleagues to support H.R. 5912, Mr. Speaker, and I reserve the balance of my time.

Ms. FUDGE. I yield myself such time as I may consume.

I rise today in opposition to H.R. 5912. H.R. 5912 terminates the public financing of nominating conventions. The Presidential Election Campaign Fund was created and designed to restore public confidence in the political process in a post-Watergate world. Since 1976, both parties have requested and received public funds to finance their nominating conventions, including as recently as this year. The aim of H.R. 5912 is to inject more private influence over elections, even though the current level is already appallingly high. This bill turns over another electoral function to private interests. It invites the very corruption the Presidential Election Campaign Fund was created to combat. This system needs to be reformed, not repealed, and we ought to be having a serious debate about the outsized role money plays in our politics.

Because the majority has failed to act, the ranking member of the House Administration Committee, Mr. BRADY of Pennsylvania, was forced to have his own forum on the poisoning effect of money in politics. We have not considered the DISCLOSE Act or any legislation of substance to deal with the secret money influencing our politics. The Voter Empowerment Act was introduced months ago. Yet absolutely nothing has been done to address the threat of millions of voters being disenfranchised this November. Most appalling, Mr. Speaker, is the fact that

this Congress is making its own history as the least productive Congress in a generation.

This Congress has already considered the substance of the measure before us—at least twice—in November, 2011, and again this past January. To be blunt, Mr. Speaker, this is simply a waste of time. Unemployment insurance and Medicare physician payment rates need to be tackled. Middle class tax cuts are set to expire and we need to reauthorize the Violence Against Women Act. This bill does nothing to address deficit reduction, but here we are considering it while ignoring the looming sequester. We voted to repeal ObamaCare more than 30 times without voting on a serious jobs bill once. This piece of legislation further intertwines our political process with the private interests while pleas from the middle class are blatantly ignored and the economic future of this country hangs in the balance.

For almost 2 years now, serious issues have been ignored in favor of politically convenient empty gestures. And this is more of the same. It is time to get serious and it is time to get to work. We can start by opposing this legislation and urging the majority to address the real issues facing this country.

I urge a ''no'' vote, and I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, it is a shame we've come to a point where it can be said on the floor of the House attempting to save the taxpayers of America $36 million is a waste of time.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), a distinguished member of the Committee on Appropriations and the Committee on the Budget. Mr. COLE is the sponsor of this bill.

Mr. COLE. I thank my friend for yielding.

H.R. 5912 is a bipartisan bill to end public financing for political conventions. And that's all it is.

I want to begin by thanking my friend, Mr. LOEBSACK from Iowa. We belong to different parties. I have no doubt we'll be voting for different Presidential candidates. But we both agree that it's wrong to use taxpayer dollars to finance partisan political events. And I appreciate his support in helping push this legislation.

Let me make it clear to everybody. I'm not opposed to political party conventions. I've gone to 10 of them. I actually had the privilege of helping stage one in 2000, when I was chief of staff of the Republican National Committee. And I can assure you that experience taught me that the parties are more than capable of putting on their conventions. They essentially do that now. The Federal component of the cost to the convention is about 23 percent of the total cost. So the idea that they can't find the resources to do this for themselves I think simply falls flat on its face.

This year, at a time when we're going to be running trillion-dollar deficits for the fourth year in a row, we wrote checks to the Democratic Party and to the Republican Party, as my friend Mr. LUNGREN mentioned, for almost $18 million each. For what? Was it really necessary? Does anybody really believe that was the best use of public money? Is there no program that's more important? I can give you a list of better places for that money to go that we would probably agree on on both sides of the aisle.

It's remarkable to me that we've reached a point in this body that this becomes an issue of some degree of partisan contention. The United States Senate passed, essentially, this legislation by 95–5 in an amendment by my friend, Mr. COBURN, to a larger piece of legislation. So there's broad agreement in the Senate, which Democrats control, that this is a Federal expense that we no longer need to incur.

This bill is a small step, but it's a stall step in the right direction. It's a step to save taxpayer dollars for things that people need as opposed to things that politicians and political parties want. We ought to take this opportunity, work together, save the money, reduce the deficit by at least a modest amount, spend money in places where it's necessary, and pass this bill. It's a quite simple piece of legislation. Those folks that have a different point of view, bring your legislation to the floor, we'll deal with that. But there's no reason to pay for the Democratic and the Republican national conventions with taxpayer funds.

One last point, if I may, Mr. Speaker. We don't do this for anybody else. There are other political groups and parties in America that I'm sure would like to have their conventions paid for. We don't give them a single dime. So this actually perpetuates a bipartisan monopoly, if you will. There's no public purpose in spending this money.

So I urge the passage. I urge some bipartisan cooperation.

Ms. FUDGE. Just to be clear, let me first say it will not reduce the deficit. This is a voluntary checkoff. This does not come from taxpayers' dollars. It will not reduce the deficit. So let's be clear.

Secondly, when he talked about the Senate having passed this on a 95–5 vote, he doesn't say it was an amendment to the farm bill. It was not a standalone bill for this purpose.

With that, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK), a distinguished member of the Committee on Education and Workforce and the Committee on Armed Services.

Mr. LOEBSACK. Mr. Speaker, I thank the gentleman from California for yielding, and I do rise in support of this bill.

As we struggle to recover from the worst recession since the Great Depression, Congress must be good stewards of taxpayer funding and ensure that as families cut back and save, the government cuts back and saves as well.

I have been pleased to work with Congressman COLE to promote this legislation. And as the only Democratic cosponsor, I do want to thank him for his work on this bill. I'm also pleased that Senator COBURN's identical amendment passed with huge bipartisan support in the Senate. And I do expect similar support in the House, as I think we can all agree on this commonsense way to ensure the prudent use of taxpayer funds.

This bill will prohibit the use of public funding for political party conventions like the recent ones in Tampa and Charlotte. It will also put any leftover funding toward deficit reduction. And while I did not attend the convention this year so I could focus on the needs of Iowans, I know there is an important role some convention activities play for the political parties and for the country, and indeed for the political process in America. However, I do not believe that taxpayer dollars need to be used to fund them, especially when public funding, as was mentioned, only makes up 23 percent of the cost of the conventions, is far outweighed by private donations, and is used for purposes not necessarily critical to the continuance of our stable democracy.

□ 1750

While Iowa families are struggling each day just to pay the bills, Washington should as well be focused on ensuring proper use of taxpayer resources. While I certainly appreciate the concerns of those opposed to this bill, I nonetheless hope that the House agrees that parties at political conventions are not a proper purpose or use of funds, taxpayer dollars.

I do hope that my colleagues will support Congressman COLE's legislation to ensure taxpayer funds are not being used for either Republican or Democratic Parties, and that in the future, I would like to see us be much more thoughtful regarding where we apply public funds in the political process. I think there is an important role for that.

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

Let me be clear again: This is a voluntary checkoff. They check the box because they want the money to go to conventions and/or political activity. It is not something that we require them to do. It is voluntary. So if, in fact, we are going to stop and give the money back, the money should go back to the American people, not to reduce the deficit, because that is the purpose for which the money was sent to us in the first place.

With that, I urge a ''no'' vote and yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it may be a voluntary checkoff, but the money is not voluntary. It is part of the income tax you are required to pay. While we all do support government, I would wonder, if you made the income tax entirely voluntary, whether we could get anything close to what we do now. It is, in fact, the tax that you must pay. So that part is not voluntary.

Secondly, I'm surprised that one would not want to attribute this to reducing the deficit even though it's only $36 million, as suggested by the other side. If we can't even do this here, what confidence can the American people have that we would deal with the tougher issues and larger amounts? If $36 million is too difficult for us to use to somehow reduce the deficit, what hope is there that we can do anything seriously in this Congress or Congresses in the future?

I must respond to the repeated suggestion that we have done nothing in this Congress.

The Obama administration would be surprised, since they said that the FISA amendments, which we passed on this floor with 301 positive votes, were the number one priority for the administration in the area of intelligence. In the aftermath of what happened just a couple of weeks ago, one would think that we would understand the seriousness of intelligence. And that which is the greatest tool, according to the DNI currently and previous DNIs, that tool, which got strong bipartisan support, was indeed an important thing for us to do here.

We had three free trade agreements that we finally approved. They have been waiting around for a number of years. The consensus is they create jobs in this economy and give us a fair playing field in which our workers can compete.

We had a transportation bill that we passed. We dealt with the interest paid on student loans. And I would just say, for 2 years in a row, we have, in fact, spent less on discretionary spending than we did the preceding year. I think that's the first time we've done that in a generation.

There are other things that I could talk about. It is a shame that the other body has not acted on the nearly 30 bills we've sent over there that deal with jobs.

Oh, yes, we also had my bill, H.R. 4, which repealed that section of the President's health care bill that placed an inordinate paperwork burden on small business, and that was the number one priority of the small business community in the country.

I wish we would do more. I wish we would have the cooperation of the other body. It's very difficult to negotiate when the other party won't come to the table or even articulate what their position is; but, nonetheless, I would suggest that those things I have spoken about are not unimportant.

But, of course, that's a digression because that's not talking about the bill before us.

The bill before us is a simple bill. All it does is say that the party's over. The taxpayer will no longer pay with taxpayer dollars for the conventions of the two national parties. Doesn't stop them from having their conventions, doesn't denigrate their conventions, doesn't take them off television; it just says the American taxpayer will not pay for it. We're going to save $36 million. Fairly straight forward, fairly simple.

I would hope that we would have a strong bipartisan vote for this, because it is truly a bipartisan problem and timely, because many of our constituents, at least when I was home in the district, said, Why are you in the Congress voting to put taxpayer dollars for these conventions?

That was a tough question to answer. We can answer that question here in a very bipartisan way by passing this bill.

With that, I would ask my colleagues to support H.R. 5912, and I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in opposition to H.R. 5912. This bill is flawed in substance and comes to the floor without serious deliberation or debate.

I want to make clear, however, that my colleague from Oklahoma and I agree that paying for presidential nominating conventions is not a wise use of taxpayer dollars. In fact, the main provisions of Mr. COLE's bill are included nearly verbatim in my Presidential Funding Act H.R. 414. However, H.R. 5912 excludes a critical prohibition on the use of ''soft money'' to fund conventions, keeping the door open for unlimited soft money donations from corporations and high-dollar special interests. Allowing conventions to accept millions of dollars in these unregulated contributions could threaten the credibility of the nominating process and further erode the principle of one voice, one vote.

I also take issue with the closed process under which this bill has been brought to the floor. H.R. 5912 is being considered under suspension of the rules, without amendments, committee markup, or serious deliberation. The Committee on House Administration has not even held hearings on this bill. But that should come as no surprise—the Majority has not held a single hearing on the issue of campaign finance in the 112th Congress, a period that has seen the House pass bills dismantling many of the common-sense campaign reforms of the post-Watergate era. I have opposed repeated floor votes that would repeal the presidential public financing system as a whole. This bill is merely the latest cynical attempt to attack the system with no effort to replace it.

In the wake of the Supreme Court's thoroughly misguided Citizens United decision, we should be working to strengthen—not to weaken—the rules that ensure our elections are free and fair. That is why Mr. VAN HOLLEN, other colleagues, and I will introduce a bill later this week which will be an important first step toward the comprehensive reform that our democratic elections need.

Our bill, the Empowering Citizens Act, will incorporate and improve H.R. 414, reforming and strengthening the presidential public financing system. In addition, it will establish a voluntary small-donor public financing program for congressional campaigns. Finally, it will establish strong rules forbidding coordination among candidate-specific SuperPACs and political parties or campaigns, thereby lessening the outsize influence of special interests and outside spending groups in our elections.

I believe that we are at a tipping point in the short history of campaign finance reform—we can either choose to stand by the common-sense reforms that have restored America's faith in elections after the Watergate scandal, or we can choose to cede control of political campaigns entirely to wealthy corporations and interest groups. The responsible choice is clear. I strongly urge my colleagues to oppose this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 5912, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

DISASTER LOAN FAIRNESS ACT OF 2012

Mr. BARLETTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6296) to amend the Small Business Act to provide the interest rate for certain disaster related loans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6296

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 ''Disaster Loan Fairness Act of 2012''.

SEC. 2. INTEREST RATE FOR CERTAIN DISASTER RELATED LOANS.

Section 7(d) of the Small Business Act is amended by adding at the end the following:

''(8)(A) Upon application, the Administration shall grant an interest rate determined under this paragraph with respect to any qualifying disaster loan.

''(B) For the purposes of this paragraph a qualifying disaster loan is the Administration's share of a loan—

''(i) for which the interest rate would be set pursuant to paragraph (5) but for the operation of this paragraph;

''(ii) which is or was made with respect to activity in an area when the President has declared a major disaster in that area under section 401 of the Stafford Act; and

''(iii) which is or was made during the period beginning January 1, 2011, and ending on the date that is 4 years after the date of the enactment of the Disaster Loan Fairness Act of 2012.

''(C) The Administrator shall determine the interest rate for each calendar year to be the lesser of—

''(i) 4 percent; and

''(ii) a rate equivalent to ½ the rate prevailing in the private market for similar

loans for those unable to attain credit elsewhere and ¾ of that prevailing rate for those able to attain credit elsewhere.

''(D) The Administrator shall refund excess interest payments to borrowers whose interest rate on already made loans is lowered by reason of the operation of the paragraph.

''(E) Not later than one year after the date of the enactment of the Disaster Loan Fairness Act of 2012, the Administrator shall report to Congress as part of the annual report under Section 10(a) on whether the interest rate provided by this paragraph has resulted in any or all of the following:

''(i) A greater number of applications for disaster related loans.

''(ii) A greater number of approvals of disaster related loans.

''(iii) A decreased default rate on disaster related loans.''.

SEC. 3. TERMINATION OF USE OF PUBLIC FUNDS FOR POLITICAL PARTY NOMINATING CONVENTIONS.

Section 9008 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) TERMINATION OF USE OF FUNDS FOR CONVENTIONS.—Notwithstanding any other provision of this section, in the case of any presidential election held after 2012—

''(1) the Secretary shall not make any payments under subsection (b)(3) to any national committee of a major party or minor party;

''(2) on November 1 of the year prior to the year in which the election is held, the Secretary shall determine—

''(A) in the case of the first such election, the amount which is equal to the aggregate amount of the payments which were made under subsection (b)(3) to the national committees of a major party or minor party for the presidential election held in 2012, adjusted in the manner described in subsection (b)(5), or

''(B) in the case of any subsequent election, the amount which is equal to the amount determined under subparagraph (A), adjusted in the manner described in subsection (b)(5); and

''(3) at the time the Secretary makes the determination under paragraph (2), an amount equal to the amount determined under paragraph (2) shall be permanently rescinded from the fund and returned to the general fund.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BARLETTA) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

Just over a year ago, the people of the 11th Congressional District of Pennsylvania endured some of the worst flooding that we have ever experienced. In the aftermath of both a hurricane and a tropical storm, the Susquehanna River and streams flowing into it surged out of their banks, washing out homes and businesses and roads and bridges.

I spent days traveling across my district consoling my constituents. I was with them as they had to throw out photo albums, their children's toys, their clothing, their furniture, their lives' possessions. I stood on muddy porches and cried with my constituents.

Time after time they asked me how the Federal Government was going to help them recover. Time after time, business owners asked me if the Federal Government was able to provide low-interest loans so they could rebuild, reopen, and bring back their workers. Time after time, I would tell them the government of the United States was going to offer them loans at a 6 percent interest rate. That's right, 6 percent.

□ 1800

A 6 percent loan isn't going to help a business owner rebuild and reopen, and the hardworking people of northeastern Pennsylvania knew that. A 6 percent loan isn't going to help a family rebuild a flooded home. I was embarrassed to tell the mothers and fathers and grandmothers and grandfathers and business owners of my district that the Federal Government, through the Small Business Administration, was going to give them a 6 percent loan to help them get back on their feet.

I was even more embarrassed—and even shocked—when I started looking at our budget for foreign disaster relief. This government gave $215 million of flood relief to Pakistan. And what rate do we charge foreign countries when we rebuild their infrastructure? Zero percent. We don't charge foreign countries any interest. The taxpayer money they receive from the United States is a giveaway. But this government was going to charge American homeowners and American business owners 6 percent interest on loans they were going to use to rebuild.

Now, the United States of America is one of the most generous, compassionate countries when it comes to providing global aid. When disaster strikes anywhere in the world, the United States is the first country to help them rebuild. But when disaster strikes right here in our own country, we need to start rebuilding here first. Let's help Americans first. We must restore American lives, save American businesses, and protect American jobs.

Now, I know hundreds of my colleagues have had similar conversations with their constituents after they experienced natural disasters in their districts. Since the start of the 112th Congress, communities in over 200 congressional districts in 46 States have been flooded by a tropical storm or a hurricane, burned by wildfire, crippled by a snowstorm, or destroyed by a tornado, resulting in a disaster declaration by the President. Constituents across the country have heard the same news—the Federal Government can provide help in the form of a high-interest loan.

Fortunately, this is something that we can fix. I introduced the Disaster Loan Fairness Act of 2012, which would dramatically change the way the SBA provides disaster recovery loans. This bill would lower the interest rate for borrowers with no credit available elsewhere to one-half of the prevailing rate, and it would cap the interest rate at 4 percent. For those who can get credit elsewhere, this bill would lower the interest rate to three-quarters of the prevailing rate, again, capping the maximum interest rate at 4 percent.

The Disaster Loan Fairness Act is retroactive to January 1, 2011. This means the SBA is required to refund excess interest payments for disaster loans made since this date. Homeowners and business owners who took out these loans will receive refunds for their excess interest payments.

To offset the direct spending, this bill terminates the use of public taxpayer funds for political party conventions in the elections occurring after 2012. Simply put, this bill prioritizes disaster victims over the subsidizing of political party conventions. We are literally putting the American people ahead of politics.

This bill will provide serious, substantial, necessary help to the hundreds of thousands of Americans who have endured horrible loss during natural disasters. It will provide relief to the millions of Americans who will suffer loss in future disasters.

I ask my colleagues to support the Disaster Loan Fairness Act of 2012, H.R. 6296, and provide relief for so many Americans that need that help.

I reserve the balance of my time.

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

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, natural disasters profoundly impacted our Nation this year. From wildfires out west to drought in the Plains to violent storms in the Northeast, millions of households were affected. These unanticipated events leave families and small businesses facing significant costs when rebuilding.

Typically, insurance covers monetary losses, but that is not always the case. To complement insurance coverage, Congress authorized the SBA to provide disaster loans to affected families and small businesses. Since its inception in 1953, the SBA has approved roughly 1.9 million disaster loans, amounting to approximately $47 billion.

Over the years, the program has evolved to better assist victims. As chairwoman of the Small Business Committee, I worked to incorporate bipartisan reforms in the 2008 farm bill to help disaster victims get back on their feet. These included new disaster

bridge loans, greater loan amounts, extending deferment periods, and enabling more private sector involvement.

The current program makes the government the lender of last resort by subsidizing reduced interest rates only for those who cannot get credit elsewhere. The goal is to assist as many victims as possible and ensure risk-sharing remains a public-private partnership. This bill, however, would eliminate the ''credit elsewhere'' test, offering taxpayer-subsidized, low-interest loans to all applicants. At a time when government resources are scarce, we should not be shifting more borrowers and additional risk into this initiative.

This is not my only concern. The bill also arbitrarily limits interest rates—with no empirical data to show why these levels are appropriate. Capping interest rates could greatly increase the taxpayers' burden in the future as costs rise and revenue remains flat. The SBA is also directed to issue refunds on previously approved loans. The bill is silent on how to carry that out, creating an administrative nightmare for the SBA.

Continuing to improve the program is important, but in doing so, we should not create unintended consequences. If the regular committee hearing and markup process had been followed, Members could have addressed this bill's shortcomings. Placing it on suspension has further limited Members' participation.

I would like to direct the attention of my colleagues on both sides of the aisle to the fact that this bill creates $50 million in direct spending. To offset the cost, it will eliminate public funding of political conventions, undoing years of campaign finance reform in the process.

Today, Federal election rules seek to keep soft money and undue influence out of the Presidential race. Since the Supreme Court's Citizens United decision, it's become clear that powerful stakeholders will spend millions to help a candidate win. If public funding were terminated, special interests will once again compete to curry favor with Presidential candidates by bankrolling nominating conventions.

Mr. Speaker, it is certainly appropriate to provide relief to homeowners and businesses affected by a disaster; however, it is inconsistent with the intent of the program to ask taxpayers to subsidize loans for those who can get credit elsewhere. Is this the best use of government resources? I don't know. But I'm confident we could have investigated this and other concerns if the committee process were not bypassed in favor of today's suspension vote.

With that, I reserve the balance of my time.

Mr. BARLETTA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Speaker, I rise today in strong support of H.R. 6296, the Disaster Loan Fairness Act of 2012, introduced by my colleague from Pennsylvania, Representative BARLETTA.

Our districts cross each other in several counties, so we both have experienced the disaster that took place in the 10th and 11th District.

□ 1810

At the end of August 2011, Hurricane Irene caused severe flooding and widespread power outages in eastern Pennsylvania. With the ground saturated and waterways at a very high level, Tropical Storm Lee arrived about one week later, causing historic widespread flooding in most of central and eastern Pennsylvania. The 10th Congressional District that I represent was particularly hit hard.

Ten of the 14 counties in the district were impacted by the flood. The storm knew no boundaries. It hit homes and businesses, government offices and schools, farms, cemeteries, and churches. I visited with families and individuals who had lost everything.

I traveled to many businesses, both large and small, that were affected, like the Knoebels Amusement Park in Northumberland County, where I watched workers and owner clean up four inches of mud that covered the ground across the entire park.

While the people of my district have made heroic efforts to rebuild, they have faced many obstacles. One of these is finding loan opportunities which they need to finance the rebuilding of their homes and businesses.

Unless you have lived through a disaster and visited with families that have been through the experience, it is hard to imagine the hopelessness and desperation that people experience when the rebuilding process begins.

H.R. 6296 will provide critical relief to disaster victims in my district and across the country by lowering the interest rate on SBA disaster loans. This legislation, which will, on average, lower rates on SBA disaster loans by 1½ to 2 percent, will give Americans impacted by disaster the ability to begin the process of rebuilding their lives and livelihoods.

I had the occasion to hear a little of the argument prior to this concerning the conventions getting money, and there was an issue raised about it's only $36 million. Well, there's nobody in this room that doesn't think $1 million is a lot of money, and I certainly think $36 million is a whole heck of a lot of money.

Now, we can send money to conventions. That should be the responsibility of each party, regardless of what side of the aisle you're on.

But we also send taxpayer money to countries that hate us, so I think it's about time we start helping the American people with their own tax dollars.

I urge all of my colleagues to join with me and Representative BARLETTA in support of this important legislation.

I had one experience that just stuck in my mind. During the flood, I visited a family who wasn't in their house.

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

Mr. BARLETTA. I yield the gentleman 1 additional minute.

Mr. MARINO. I want to share an experience I had touring the same areas that Lou did. And it was a family of six; they weren't able to be in their house. It was a blue collar family. It was half a double.

They wouldn't even be able to sit on their porch or stand in their front yard. That's how bad the flood was. Most of their furniture and belongings were out on the front yard, just totally lost.

They sat on the back of a pickup truck. A 6-year-old little girl, 6 or 8 years old, said to me, Are you here to help, because we don't have a bed to sleep in and we don't have a room to sleep in. What are we going to do tonight?

That is what we're faced with. We're supposed to be helping our people in our district, and I urge my colleagues to support this legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I was a cosponsor of the original version of this bipartisan bill and rise to support the modified legislation we are considering today. I want to thank Mr. BARLETTA for his work on this important legislation in the aftermath of Hurricane Irene and Tropical Storm Lee.

These two disasters caused millions in damage in northern New York. One year later, small businesses and homeowners are still recovering.

As I walked around my district immediately after, I saw people shoveling out mud, throwing out heirlooms, and struggling to understand what had happened to them. Many of the businesses were ruined, along with homes.

But I also saw something else. I saw people helping people. What we're doing here today is having the government help people. We're following the example of our constituents.

Currently, the Small Business Administration offers disaster recovery loans to small businesses and homeowners for as low as 4 percent and up to 8 percent if credit is available elsewhere. To date, nearly 100 small businesses and homeowners in my congressional district have been approved for more than $5.8 million in disaster loans. But I have heard from many constituents that the interest rates are simply too high to take advantage of these loans.

This bipartisan bill would lower the interest rate on disaster loans.

Mr. BARLETTA. Mr. Speaker, I have no more speakers and I am prepared to close.

I reserve the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

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

When disaster strikes around the world, America is always the first to help, and I'm proud of that. I'm proud

of our country. I'm proud that when countries need help, we're there.

But when disasters strike right here at home, I do believe that we should help Americans first, and we don't know when or where the next disaster will occur. It could be tonight, could be tomorrow, could be next week. But let's make sure, before we leave here today, that we tell our neighbors and friends back home and around this great Nation that, in their greatest time of need, their country will be there for them.

With all the devastation and destruction that happened from last year's flood, I saw the greatness of America. I saw neighbors helping neighbors. I saw strangers helping people. I saw students helping the elderly. I saw what makes this country great, and I saw the American people come together.

It's time that this Congress comes together. I urge my colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARLETTA) that the House suspend the rules and pass the bill, H.R. 6296, 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.

BORDER SECURITY INFORMATION IMPROVEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6368) to require the Department of Justice, in consultation with the Department of Homeland Security, to provide a report to Congress on the Departments' ability to track, investigate and quantify cross-border violence along the Southwest Border and provide recommendations to Congress on how to accurately track, investigate, and quantify cross-border violence, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6368

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 ''Border Security Information Improvement Act of 2012''.

SEC. 2. STUDY.

(a) REPORT ON CROSS-BORDER VIOLENCE ON THE SOUTHWEST BORDER.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall jointly submit to the congressional committees set forth in subsection (b) a report on cross-border violence on the Southwest Border of the United States. Such study shall include—

(1) the definition of cross-border violence used by law enforcement components within the Departments of Justice and Homeland Security;

(2) the ability of the Departments of Justice and Homeland Security and their law enforcement components to track, investigate, quantify, and report on the level of cross-border violence occurring along the Southwest Border of the United States;

(3) the extent to which the Departments of Justice and Homeland Security define and track cross-border violence and steps being taken to address the effects of cross-border violence along the Southwest Border of the United States;

(4) the information and data on cross-border violence collected and made available through inter-agency taskforces on the Southwest Border of the United States, including the Southwest Border High Intensity Drug Trafficking Area, Arizona's Alliance to Combat Transnational Threats, the El Paso Intelligence Center, the Border Enforcement and Security Task Force, and State and Local Fusion Centers; and

(5) the additional resources needed to track, investigate, quantify and report on the level of cross-border violence occurring along the United States-Mexico border.

(b) CONGRESSIONAL COMMITTEES.—The congressional committees set forth in this subsection are—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6368, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'd like to thank my colleague and good friend, Congressman FRANCISCO CANSECO, for his work on the issue of cross-border violence and its impact on the United States.

Mr. Speaker, In recent years, drug trafficking-related violence has increased in Mexico. According to Mexican officials, over 40,000 people have been killed as the result of drug-related violence since 2006.

As the gentleman from Texas has pointed out, we should be very concerned that there are insufficient methods to track this violence and that it spills over into the United States.

When evaluating increased violence in Mexico and its effect on the United States, a central concern is the potential for what has been termed ''spillover violence''—an increase in drug trafficking-related violence in the United States.

The violence being committed by Mexican drug cartels within Mexico's own borders presents a national security challenge for Mexico. When that violence spills over into the United States, it presents a national security concern for America as well.

Cross-border violence is a challenge for both countries while criminals kill not only each other but government officials, law enforcement and military officers, innocent civilians and children.

Administration officials maintain that there has not yet been a significant spillover of violence from Mexico into the United States. But we should not wait for it to happen.

This bill requires the Department of Justice and the Department of Homeland Security to provide a joint report to Congress on the Departments' ability to track, investigate and measure cross-border violence along the Southwest border.

In addition, it directs the Departments of Justice and Homeland Security to make recommendations to Congress on how best to accurately track, investigate and measure cross-border violence.

Cross-border violence is a complex problem which cannot be resolved overnight. This legislation is an important first step in developing an overall strategy to combat spillover violence.

I again thank Mr. CANSECO for his work on this issue, and I urge my colleagues to support this bill.

I will now yield as much time as he might consume to the gentleman from Texas (Mr. CANSECO).

□ 1820

Mr. CANSECO. I want to thank my friend and colleague and fellow San Antonian—the chairman of the Judiciary Committee, Mr. SMITH—as well as his diligent and hardworking staff, for their help on this very important matter.

I come to the floor today, Madam Speaker, in support of my legislation, H.R. 6368, the Border Security Information Improvement Act.

As the Representative of a district with nearly 800 miles of U.S.-Mexico border, I know firsthand how important the security of our citizens along our shared border with Mexico is. As I visit with the people of the 23rd District of Texas, I hear time and time again from Americans living along the border that they do not feel safe or secure. They talk of living in fear. They tell me that Washington is not paying attention as drugs, weapons, and humans are smuggled through their communities. Washington is not listening as they ask for help as violence from Mexican drug cartels spills into their communities and cities and towns.

Many of the statistics and information used to make claims about the security of our southwest border are based on information from sources, such as the Uniform Crime Report, that are not intended to measure security along our border.

Administration officials have claimed that the border is safe and secure. Yet, while attending a Homeland Security Committee hearing last May, I learned that the Department of Homeland Security and the Department of Justice do not have a working, uniform definition of ''spillover violence.'' Yet witnesses at the hearing—

high-ranking officials from Justice and Homeland Security—stated that there is no cross-border violence.

This is completely unacceptable. If the Federal Government cannot even define what endangers border citizens, we cannot ensure their safety. H.R. 6368 is simple. It is straightforward. It is a bill that will address this very problem.

It directs the Department of Justice and the Department of Homeland Security to submit a report to Congress on their ability to define, to track, to investigate, and to quantify cross-border, or spillover, violence.

The Departments of Justice and Homeland Security will furthermore report what information and statistics are available and that are at their disposal in order to understand the amount of violence spilling into the United States. The ability to correctly monitor the level of spillover violence occurring across our Nation's borders will allow us to assess the success of our border security policies and to ensure that we have the correct policies in place in order to stop violence, stop drugs and contraband from spilling into the United States.

Lastly, the Departments will recommend to Congress what additional resources are necessary in order to track, quantify, and report on cross-border violence so that Congress can do its part and ensure that our Federal law enforcement agencies have the tools and the data that they need to do their jobs. Congress must be a willing and able partner in the fight against the ruthless Mexican cartels and the violence that they bring into our American communities.

Madam Speaker, the American people deserve to know the capability of their government to address cross-border violence. This bill does not seek to prove that one party is right or that one party is wrong. It simply seeks to find out the ability of the Departments of Justice and Homeland Security to define, to track, and to understand the amount of violence spilling into the United States from Mexico. In order to achieve a secure border, we must be able to correctly gauge the amount of violence that is spilling into the United States, and I believe that this bill is an important first step in that direction.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

H.R. 6368 requires the Department of Justice and the Department of Homeland Security, no later than 180 days after the enactment of this law, to jointly provide a report to Congress on those Departments' abilities to track, investigate, and quantify cross-border violence along our country's southwest border and to provide recommendations to Congress on how to accurately track, investigate, and quantify cross-border violence.

This seems like a good idea, and I note that the bill provides that we will receive budget recommendations along with the report, as some have suggested, so that we can reduce the size of government with unspecified cuts, but then we are often surprised to see what those cuts are. Tracking, investigating, and responding appropriately to cross-border violence will require personnel and equipment, which obviously will require increases, not cuts, in the budget.

I want to thank the gentleman from Texas (Mr. CANSECO) for his work on the bill. I look forward to the report, and I recommend the bill's passage.

I yield back the balance of my time.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 12, 2012.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Washington, DC.

Dear CHAIRMAN SMITH: I am writing in regards to the jurisdictional interest of the Committee on Homeland Security over provisions in H.R. 6368, which requires the Department of Justice, in consultation with the Department of Homeland Security, to provide a report to Congress on the ability to track, investigate, and quantify cross-border violence along the Southwest Border and provide recommendations to Congress.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will discharge H.R. 6368 from further consideration. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this or similar legislation.

I also request that this response and your letter be included in the Committee on the Judiciary report to H.R. 6368 and in the Congressional Record during consideration of this measure on the House floor. Thank you for your consideration of this matter.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 13, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN KING, Thank you for your letter dated September 12, 2012, regarding H.R. 6368, the ''Border Security Information Improvement Act of 2012,'' which was referred to the Judiciary Committee on September 10.

I am most appreciative of your decision to forego consideration of H.R. 6368 so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Homeland Security is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in the Congressional Record during floor consideration of H.R. 6368.

Sincerely,

LAMAR SMITH,
Chairman.

The SPEAKER pro tempore (Mrs. SCHMIDT). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6368, as amended.

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

The title was amended so as to read: ''A bill to require the Department of Justice and the Department of Homeland Security to provide a joint report to Congress on the Departments' ability to track, investigate and quantify cross-border violence along the Southwest Border and provide recommendations to Congress on how to accurately track, investigate, and quantify cross-border violence.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5044, by the yeas and nays;

H.R. 5912, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

ANDREW P. CARPENTER TAX ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5044) to amend the Internal Revenue Code of 1986 to exclude from gross income any discharge of indebtedness income on education loans of deceased veterans, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 29, as follows:

[Roll No. 585]

YEAS—400

Ackerman	Baldwin	Berman
Adams	Barber	Biggert
Aderholt	Barletta	Bilbray
Alexander	Barrow	Bilirakis
Altmire	Bartlett	Bishop (GA)
Amash	Barton (TX)	Bishop (NY)
Amodei	Bass (CA)	Bishop (UT)
Andrews	Bass (NH)	Black
Austria	Becerra	Blackburn
Baca	Benishek	Blumenauer
Bachmann	Berg	Bonamici
Bachus	Berkley	Bonner

Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—29

Akin
Brady (TX)
Campbell
Clarke (MI)
DeLauro
Filner
Forbes
Gallegly
Granger
Green, Al
Green, Gene
Herger
Hirono
Jackson (IL)
Johnson (IL)
Johnson, Sam
Labrador
Lee (CA)
Lynch
Maloney
Platts
Rivera
Ross (AR)
Roybal-Allard
Ryan (WI)
Shuler
Speier
Thompson (CA)
Tsongas

□ 1849

Mrs. ELLMERS changed her vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 585, had I been present, I would have voted "yea."

Mr. FILNER. Madam Speaker, on rollcall 585, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

PROHIBITING USE OF PRESIDENTIAL ELECTION CAMPAIGN FUNDS FOR PARTY CONVENTIONS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5912) to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 310, nays 95, not voting 24, as follows:

[Roll No. 586]

YEAS—310

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (OH)
Jones
Jordan
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—95

Ackerman	Gonzalez	Pascrell
Andrews	Grijalva	Pelosi
Baca	Gutierrez	Peters
Bass (CA)	Hastings (FL)	Pingree (ME)
Becerra	Hinchey	Polis
Brady (PA)	Hinojosa	Price (NC)
Brown (FL)	Holt	Rangel
Capps	Honda	Reyes
Clarke (MI)	Hoyer	Richmond
Clarke (NY)	Jackson Lee (TX)	Roybal-Allard
Clay	Johnson (GA)	Rush
Cleaver	Johnson, E. B.	Sarbanes
Clyburn	Kaptur	Schakowsky
Cohen	Kildee	Schwartz
Connolly (VA)	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Scott, David
Cooper	Levin	Serrano
Courtney	Lewis (GA)	Sires
Crowley	Luján	Smith (WA)
Davis (IL)	Markey	Stark
DeGette	Matsui	Thompson (CA)
DeLauro	McCollum	Thompson (MS)
Deutch	McDermott	Towns
Dingell	McGovern	Van Hollen
Doyle	Meeks	Velázquez
Edwards	Miller (NC)	Visclosky
Ellison	Moore	Wasserman Schultz
Engel	Nadler	Waters
Eshoo	Napolitano	Watt
Farr	Neal	Yarmuth
Fattah	Olver	
Frank (MA)	Pallone	
Fudge		

NOT VOTING—24

Akin	Hirono	Platts
Brady (TX)	Jackson (IL)	Rivera
Campbell	Johnson (IL)	Ross (AR)
Filner	Johnson, Sam	Ryan (WI)
Forbes	Labrador	Shuler
Gallegly	Lee (CA)	Speier
Granger	Lewis (CA)	Tiberi
Green, Al	Lynch	Tsongas

□ 1856

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions.''.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 586, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''nay.''

□ 1900

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 5839

Mr. DIAZ-BALART. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 5839, a bill originally introduced by Representative GEOFF DAVIS of Kentucky, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

PERMISSION FOR MEMBER TO BE ADDED AS COSPONSOR OF H.R. 2994

Ms. BONAMICI. Mr. Speaker, I ask unanimous consent to be added as a cosponsor to H.R. 2994, the Marine and Hydrokinetic Renewable Energy Promotion Act. The original sponsor is no longer in Congress.

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

There was no objection.

VULNERABLE VETERANS HOUSING REFORM ACT OF 2012

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6361) to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6361

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 ''Vulnerable Veterans Housing Reform Act of 2012''.

SEC. 2. EXCLUSION FROM INCOME.

Paragraph (4) of section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(4)) is amended—

(1) by striking ''and any amounts'' and inserting '', any amounts'';

(2) by striking ''or any deferred'' and inserting '', any deferred''; and

(3) by inserting after ''prospective monthly amounts'' the following: '', and any expenses related to aid and attendance as detailed under section 1521 of title 38, United States Code''.

SEC. 3. UTILITY ALLOWANCES AND DATA.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(D) UTILITY ALLOWANCE.—

''(i) IN GENERAL.—In determining the monthly assistance payment for a family under subparagraphs (A) and (B), the amount allowed for tenant-paid utilities shall not exceed the appropriate utility allowance for the family unit size as determined by the public housing agency regardless of the size of the dwelling unit leased by the family.

''(ii) EXCEPTION FOR CERTAIN FAMILIES.—Notwithstanding subparagraph (A), upon request by a family that includes a person with disabilities, an elderly family, or a family that includes any person who is less than 18 years of age, the public housing agency shall approve a utility allowance that is higher than the applicable amount on the utility allowance schedule, except that in the case of a family that includes a person with disabilities, the agency shall approve such higher amount only if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

''(iii) AUTHORITY TO INCREASE ALLOWANCE.—Notwithstanding subparagraph (A), in the case of any family not described in clause (ii), a public housing agency may, at the request of the family, approve a utility allowance that is higher than the applicable amount on the utility allowance schedule. In making such a determination, the agency shall consider (I) the amount of the increase in utility costs for the family, and (II) the difficulty for the family in relocating.''; and

(2) by adding at the end the following new paragraph:

''(21) UTILITY DATA.—

''(A) PUBLICATION.—The Secretary shall, to the extent that data can be collected cost effectively, regularly publish such data regarding utility consumption and costs in local areas as the Secretary determines will be useful for the establishment of allowances for tenant-paid utilities for families assisted under this subsection.

''(B) USE OF DATA.—The Secretary shall provide such data in a manner that—

''(i) avoids unnecessary administrative burdens for public housing agencies and owners; and

''(ii) protects families in various unit sizes and building types, and using various utilities, from high rent and utility cost burdens relative to income.''.

SEC. 4. PILOT PROGRAM FOR GRANTS FOR REHABILITATION AND MODIFICATION OF HOMES OF DISABLED AND LOW-INCOME VETERANS.

(a) GRANT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed $1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) APPLICATION.—

(1) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) PREFERENCES.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term ''rural areas'').

(c) CRITERIA.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) USE OF FUNDS.—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfigurating and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DISABLED.—The term ''disabled'' means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term ''energy efficient features or equipment'' means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term ''low-income veteran'' means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term ''primary residence'' means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran's principal dwelling and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term ''family member'' includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term ''veteran'' has the same meaning as given such term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $4,000,000 for each of fiscal years 2013 through 2017.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise today as a cosponsor of H.R. 6361, the Vulnerable Veterans Housing Reform Act of 2012. I strongly urge my colleagues to support its passage.

Put simply, this legislation will ensure that we don't punish low-income disabled veterans who are seeking or receiving housing assistance simply because of their disability benefits.

Currently, if a veteran gets help with in-home care for their disability, that help is incorrectly calculated as income, which increases their housing costs.

For purposes of section 8 and public housing assistance, H.R. 6361 would exempt from a veteran's income his or her service-related disability benefits as well as expenses for in-home aid and care. It also reforms how section 8 and other housing programs calculate utility subsidies, and it awards grants to rehabilitate and modify homes for our disabled and low-income veterans.

As part of our effort to eliminate homelessness among veterans and help low-income veterans, our Financial Services Committee has closely examined the housing barriers facing disabled and low-income veterans. As recently as last week, we heard from veterans like Cassondra Flanagan of Philadelphia, who asked us specifically

to fix how government programs treat disability benefits in their financial assessments. H.R. 6361 would address her request by helping veterans overcome one of the key bureaucratic hassles that make it harder to find a secure and stable place to call home. That's why our legislation has broad, bipartisan support.

On September 12, 2012, the Financial Services Committee passed H.R. 6361 by a unanimous vote. In February, the Insurance, Housing and Community Opportunity Subcommittee also gave its approval to similar legislation as part of the Affordable Housing and Self-Sufficiency Improvement Act of 2012, a broader proposal to reform HUD's section 8 and public housing programs.

I'm also pleased that we were able to include in today's bill the language authored by Mr. GREEN of Texas so that additional assistance can be provided to those veterans who need home renovations to accommodate their disability.

While we can never repay our veterans for the selfless sacrifices they've made to defend the liberties we enjoy, we can work to ensure that they have a place to call home. We also can work to ensure that our severely disabled veterans have adequate facilities and living conditions within the comfort of their homes.

Mr. Speaker, our veterans have paid a high price to protect the American Dream, and they should have the opportunity to experience the blessings that dream represents.

I commend my colleague from Nevada (Mr. HECK) for introducing this bill. He's put a lot of work into this. I'd also like to recognize my colleague from Texas (Mr. GREEN) for his tremendous bipartisan work and his contribution to this bill. I also thank Chairman BACHUS for his hard work on this important measure.

Finally, I also would like to thank the American Legion, VetsFirst-United Spinal Association, Easter Seals, Paralyzed Veterans of America, Vietnam Veterans of America, and Veterans of Foreign Wars for their support of provisions in the bill.

With that, I urge my colleagues to support H.R. 6361, and I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 6361, the Vulnerable Veterans Housing Reform Act.

This bill is aimed at helping some of those who most deserve and need our help, our severely disabled wartime veterans who are living with service-connected disabilities. It is designed to help that relatively small population of veterans who are disabled, impoverished, and in need of constant care due to their service wounds.

They are wounded warriors who now need assistance performing the basic functions of daily life, like the simple things that most of us take for granted and perform without second thought: bathing, feeding themselves, getting dressed. They put their lives on the line for us, and it is now our turn to see to it that they are afforded every opportunity to live a life of independence and self-sufficiency.

□ 1910

To this end, H.R. 6361 would exempt any expenses related to veterans and benefits from consideration when they are being considered for housing assistance. The fact that the benefits are currently counted as income is an obstacle for many of our military men and women. Let's take a hypothetical case and now look at how things stand now.

A single, severely disabled veteran with no dependents who has an adjusted gross annual income of less than $12,256 can receive up to an additional $8,191 in aid and attendance benefit each year to supplement the cost of their medical care. This fix will make it just a little bit easier for our veterans to qualify for the housing assistance they need and deserve. But this bill also makes changes to current utility allowances as part of section 8 public housing assistance. Under this bill, utility allowances would be calculated and capped based on family size rather than apartment size.

Our Financial Services Committee members have been hard at work adding hardship exemptions to protect people with disabilities, the elderly, and families with children by providing them with increased utility allowances, as needed.

I commend my colleagues for their bipartisan cooperation in finding a middle ground and a solution. I also congratulate my good friend and colleague, Congressman AL GREEN, for his contribution to this bill. He works tirelessly on behalf of our Nation's military men and has fought especially hard to get his HAVEN bill to the floor, despite it being folded into this bill.

The HAVEN bill would establish a pilot program to provide grant funding to rehabilitate and modify the homes of low-income or disabled veterans so that wheelchair ramps, repairs, and energy-efficient features can be put in place. Helping repair the homes of our veterans before they become too sick is not just a smart policy; it is our duty. We need to do all we can to keep our veterans self-sufficient and independent, and help them transition back into civilian life as seamlessly as possible.

I will vote ''yes'' on this bill, and I reserve the balance of my time.

Mrs. BIGGERT. I yield to the gentleman from Nevada (Mr. HECK), the author of this bill, for such time as he may consume.

Mr. HECK. I thank the gentlelady for yielding.

Mr. Speaker, I rise today to encourage my colleagues to support H.R. 6361, the Vulnerable Veterans Housing Reform Act of 2012.

As stated, this bill would remove an unnecessary barrier that prevents our disabled wartime veterans from receiving the housing assistance they so critically need. It does this by preventing the Department of Housing and Urban Development from considering our veterans' aid and attendance benefits as income when calculating their eligibility for housing assistance.

The aid and attendance benefit is an enhanced pension program provided by the Department of Veterans Affairs to our Nation's wartime veterans who are severely disabled and have little or no income. According to the VA, veterans eligible for the aid and attendance benefit are defined as those requiring the aid of another person in order to perform his or her activities of daily living, such as bathing, feeding, dressing, using the restroom, adjusting prosthetic devices, or protecting themselves from the hazards of their daily environment.

In order to receive this benefit, our severely disabled veterans must first establish their eligibility for a low-income pension. Once eligibility is determined, those low-income disabled vets can receive an additional aid and attendance benefit annually to help defray the cost of their medical care. Now, this is an important point. The aid and attendance benefit is for medical care; it is not discretionary income.

As you can imagine, these veterans struggle daily to keep the lights on, put food on the table, and to keep a roof over their heads. Add to that the exorbitant cost of paying for live-in aid, and it becomes increasingly difficult for them to stay in their homes.

The Department of Housing and Urban Development operates a number of programs that can assist these veterans. However, the current statute requires that the aid and attendance benefit be counted as income when determining eligibility for housing assistance. Mr. Speaker, this makes no sense. The VA provides this benefit to ensure that our low-income disabled wartime veterans have the necessary resources to receive the medical care they need and have earned.

The cost of an assisted living facility can be $39,600, and the median cost of a room in a nursing home is between $73,000 and $81,000 annually. By providing the aid and attendance benefit and keeping the veteran in their home, we are doing them a service and saving taxpayer money. Continuing to count the aid and attendance benefit as income does nothing more than reduce the housing assistance available to our low-income disabled vets.

Mr. Speaker, it's the stated goal of both this House and this administration to reduce homelessness in our veteran population. Passing this legislation will help ensure that we achieve this goal.

H.R. 6361 also includes an important provision authored by my distinguished colleague from the Ninth District of Texas, Congressman AL GREEN. His provision would create a pilot program to provide grants to qualified

nonprofit organizations for the purpose of modifying and rehabilitating homes for our Nation's low-income disabled veterans.

H.R. 6361 was drafted in a bipartisan manner, and this is reflected in the overwhelming support it received when it was reported unanimously by the House Financial Services Committee on September 12, 2012.

Mr. Speaker, H.R. 6361 will go a long way in providing the services and assistance our low-income disabled vets have earned and deserve. I thank the subcommittee chair, the distinguished lady from Illinois, and all the members of the committee for their support of this legislation, and I urge my colleagues to support this critical bill.

Mrs. MALONEY. I would like to compliment the gentleman on his statement and point out that across the country one of the largest groups of people that are homeless are veterans, and this particular bill has the right incentives to direct the housing assistance to our veterans and help to keep them in their homes.

I have no other speakers at this time, so I yield back the balance of my time.

Mrs. BIGGERT. I have no further speakers, either, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 6361, 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.

PROVIDING FLEXIBILITY FOR ASSISTANCE PROVIDED BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR BURMA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6431) to provide flexibility with respect to U.S. support for assistance provided by international financial institutions for Burma, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6431

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

SECTION 1. INTERNATIONAL FINANCIAL INSTITUTIONS.

Upon a determination by the President that it is in the national interest of the United States to support assistance for Burma, the Secretary of the Treasury may instruct the United States Executive Director at any international financial institution to vote in favor of the provision of assistance for Burma by the institution, notwithstanding any other provision of law. The President shall provide the appropriate congressional committees with a written notice of any such determination.

SEC. 2. CONSULTATION AND NOTIFICATION REQUIREMENT.

(a) Prior to making the determination contained in section 1, the Secretary of State and the Secretary of the Treasury each shall consult with the appropriate congressional committees on assistance to be provided to Burma by an international financial institution, and the national interests served by such assistance.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution that the United States Executive Director may not vote in favor of any provision of assistance by the institution to Burma until at least 15 days has elapsed from the date on which the President has provided notice pursuant to section 1.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''appropriate congressional committees'' means the Committees on Foreign Relations, Banking, Housing, and Urban Affairs, and Appropriations of the Senate, and the Committees on Financial Services, Foreign Affairs, and Appropriations of the House of Representatives.

(2) The term ''assistance'' means any loan or financial or technical assistance, or any other use of funds.

(3) The term ''international financial institution'' shall have the same meaning as contained in section 7029(d) of division I of Public Law 112–74.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material into the RECORD on this measure.

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

There was no objection.

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

This afternoon, Congress was finally able to present Aung San Suu Kyi the Congressional Gold Medal. Congress' highest medal was awarded for her courageous and unwavering commitment to peace, to nonviolence, to human rights, and of course to democracy in Burma. I was an original cosponsor of Mr. CROWLEY's legislation that set the stage for today's ceremony.

□ 1920

Of course, that legislation passed years ago, back in 2008, when Aung San Suu Kyi's house was her prison. Many thought, of course, that this day today would never come. That she was able to visit Capitol Hill today to accept this award, meeting with Members of Congress, is a testament of the changes taking place in her important country. The opposition has won seats in Parliament. Media restrictions have been eased. Hundreds of prisoners, including many this week, have been released.

Congress can be proud of the role that it has played in getting Burma to this point. Sanctions were important, but sanctions can't keep up the momentum for democracy in Burma today. That was the message that Aung San Suu Kyi delivered in Washington. Instead, she emphasized the role that the U.S. can play in helping to build up the institutions that Burma badly needs.

This country, once Southeast Asia's richest country, is now its poorest. Its corrupt and brutal generals have destroyed the economic landscape of Burma. The Burmese people are destitute. Democracy will not thrive in this economic despair.

Isolated for decades, the institutions Burma needs to run an economy are either very weak or they do not exist. International financial institutions could help Burma establish the economic infrastructure needed to reconnect with the world. This assistance also can help the Burmese with their basic needs. Without this in place, the potential for political backsliding is real.

However, several laws on our books direct the U.S. representative at each international financial institution to vote ''no'' when it comes to any proposal related to Burma. There is no waiver, which is very unusual when it comes to sanctions.

I'd note that a U.S. ''no'' vote is not a veto. It doesn't stop these institutions from being involved with Burma. It just stops us from being part of the process.

So we have to ask ourselves, when are the interests of the U.S. and the Burmese people best served? When the U.S. is playing a leading role, helping to shape these institutions' involvement with Burma, or are they best served when the U.S. representative is shut out of the room, left with only one option?

This legislation gives more options: yes, no, or abstain. When U.S. support is possible, that gives us leverage. We have great weight at these institutions, even while they are mainly funded by others.

Like other Members, I'm not happy with where Burma is today. I want all political prisoners released. There is too much ethnic violence.

This bill doesn't touch the import ban or asset freezes, of course, and those are targeted at the regime. The Treasury Department should use its authority to target any individual that is undermining progress in Burma.

This legislation is license to bolster reform, where appropriate and where possible, not a seal of approval. Given where Burma is today, it's appropriate that Congress respond in this way to ensure that the U.S. is in a position to continue to press for reforms.

Moving forward, Congress will need to ensure that these financial institutions are pushing stringent transparency and monitoring its impact on human rights. Those goals, which we all share, are best advanced by adopting this legislation.

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

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 6431 and yield myself such time as I may consume.

Currently, congressional mandates require that the U.S. representative must vote ''no'' on any proposed assistance going from an international financial institution to Burma. This bill before us today would change that. It would allow the Secretary of the Treasury to instruct our executive directors at the World Bank, the Asian Development Bank, and the IMF to support proposed assistance to Burma, if the President determines that it is in our national interest.

This flexibility will be needed in the coming months. There will likely be some important votes coming up at the World Bank and the Asian Development Bank on development projects and arrears clearance packages for Burma. Binding the U.S. representative to always vote ''no'' on such measures would work directly against our hope of engaging Burma and supporting her democratic reforms, and that's why I strongly support this bill.

The economic and political reforms in Burma show great promise. That is why the United States lifted the sanctions on investment in Burma back in July. And the right thing to do now is to support development and economic aid to Burma through the international financial institutions.

Both multilateral development and humanitarian assistance are important now because Burma needs both long-term and short-term results. Her people need to see that a democracy has tangible positive impacts on their everyday lives.

It is not just in the best interests of the Burmese people that they continue to support the democratic and economic reforms in the country; it is in the interest of the United States as well. And I would say that it's in the world's best interest, too.

It was a great honor today to welcome Aung San Suu Kyi to the Capitol. She is a courageous woman of matchless strength and towering integrity.

I congratulate her on receiving the Congressional Gold Medal, the highest award that we can give anyone, which she so richly deserves. She honors us by her presence and her acceptance of this award.

Her unshakeable conviction that democratic values and fundamental human rights were not only possible but absolutely necessary for Burma provided her country with a model of courage and perseverance that helped to sustain it throughout the most difficult years.

We congratulate her. We thank her. And I want to let her know that she is a very special heroine to me, and that we remain strongly committed to the cause of reform in her country and to supporting not only her country, but her people.

Aung San Suu Kyi has said that aid and investment in Burma must be done in a way that is democracy friendly. She describes that as investments that prioritize transparency, accountability, workers' rights, and environmental sustainability. Aung San Suu Kyi has also said that the government needs to apply internationally recognized standards such as the IMF Code of Good Practices on Fiscal Transparency. I agree with her wholeheartedly on both of these issues.

As the international financial institutions move to reengage in Burma and we move through this piece of legislation in support of that engagement, I urge the administration to use its leadership at the IFIs to ensure that assistance to Burma supports democratic reforms, ensures an open and transparent government, and establishes safeguards that support growth, alleviates poverty, and safeguards the rights of the people.

There is a tide in the affairs of nations that, taken at the flood, can lead to greatness. And this is such a moment of political and economic import for Burma.

I urge my colleagues to support this bill and to continue to support the efforts of the people of Burma towards the establishment of a truly just and democratic society.

I reserve the balance of my time.

Mr. ROYCE. We have no further speakers. I will close, if the gentlelady has no additional speakers.

Mrs. MALONEY. I have no additional speakers and yield back the balance of my time.

Mr. ROYCE. Very good. In that case, I thank the gentlelady.

Mr. Speaker, it is said that Burma is undergoing a triple transition, from a military government to a more open and democratic government. Also, it's moving from conflict to peace, and it's moving from a closed economy to a more open economy. All three of these transitions, of course, are equally daunting.

Aung San Suu Kyi's visit to the United States tells us just how far this country has come, but she also reminds us how far Burma has left to go.

So our responsibility is to keep pushing Burma in the right direction, pushing it in the right direction so that all political prisoners are freed and so that a fully democratic government respects the rights of all of its people, including its ethnic minorities.

□ 1930

This legislation is an appropriate response to ensure that Burma continues moving in the right direction.

I urge the passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 6431.

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

A motion to reconsider was laid on the table.

CLARIFYING PROVISIONS RELATING TO REGULATION OF MUNICIPAL ADVISORS

Mr. DOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2827) to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2827

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

SEC. 1. REGISTRATION OF MUNICIPAL SECURITIES DEALERS.

Section 15B(a)(1)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)(1)(B)) is amended by striking ''or on behalf of''.

SEC. 2. MUNICIPAL SECURITIES RULEMAKING BOARD; RULES AND REGULATIONS.

Section 15B(b)(2)(L) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)(2)(L)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(v) not regulate as a municipal advisor the activities of a person referred to in subparagraph (C) of subsection (e)(4), to the extent that such activities are described under such subparagraph.''.

SEC. 3. DISCIPLINE OF MUNICIPAL SECURITIES DEALERS; CENSURE; SUSPENSION OR REVOCATION OF REGISTRATION.

(a) IN GENERAL.—Section 15B(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(c)(1)) is amended to read as follows:

''(1) No broker, dealer, or municipal securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security, and no broker, dealer, municipal securities dealer, or municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person, in contravention of any rule of the Board. A municipal advisor, when acting pursuant to an engagement described in subsection (e)(4)(A)(i), and any person associated with such municipal advisor, shall be deemed to have a fiduciary duty with respect to such engagement to any municipal entity for whom such municipal advisor acts as a municipal advisor, and no municipal advisor may engage in any act, practice, or course of business which is not consistent with such municipal advisor's fiduciary duty or that is in contravention of any rule of the Board. In issuing regulations to carry out the previous sentence and subsection (b)(2)(L)(i), the Board shall—

''(A) require that a municipal advisor act in accordance with its fiduciary duty to its municipal entity clients, but only in connection with those specific activities involving such municipal entity client described under subsection (e)(4)(A)(i) (and not excluded under subsection (e)(4)(C));

''(B) specify when such duties begin and terminate in relation to such activities; and

''(C) not prohibit principal transactions by municipal advisors or the receipt of compensation based on commissions or other

standard compensation in relation to the purchase or sale of a security or other instrument (including deposit or foreign exchange), except that the Board—

''(i) may issue rules requiring a municipal advisor to only engage in such transactions or receive such compensation in a manner that is consistent with the municipal advisor's fiduciary duty; and

''(ii) may prohibit a municipal advisor that has been engaged to provide advice with respect to an underwritten offering of securities from concurrently acting as an underwriter of such offering.''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 975(c)(5) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended to read as follows:

''(5) in paragraph (4), by inserting 'or municipal advisor' after 'municipal securities dealer' each place that term appears;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as if included in such Act.

SEC. 4. DEFINITION OF INVESTMENT STRATEGIES.

Section 15B(e)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(e)(3)) is amended to read as follows:

''(3) the term 'investment strategies'—

''(A) means plans or programs for the investment of the direct proceeds of municipal securities (but not other public funds) that are not municipal derivatives or guaranteed investment contracts, and the recommendation of and brokerage of municipal escrow investments, where, with respect to the municipal advisor offering such plans, programs, or recommendations, such proceeds of municipal securities and municipal escrow investments—

''(i) are known or should be known to the municipal advisor to be comprised of funds or investments maintained in a segregated account that is exclusively for the purpose of maintaining such proceeds or escrow investment; or

''(ii) have been identified to the municipal advisor, in writing, as funds or investments that constitute the proceeds of municipal securities or municipal escrow investments; and

''(B) does not include—

''(i) merely acting as a broker or principal with respect to the purchase or sale of a security or other instrument (including deposit or foreign exchange);

''(ii) providing a list of, or price quotations for, investment options or securities or other instruments which may be available for purchase or investment or which satisfy investment criteria specified by a municipal entity;

''(iii) acting as a custodian;

''(iv) providing generalized information concerning investments which are not tailored to the specific investment objectives of the municipal entity; or

''(v) providing advice with respect to matters other than the investment of funds or financial products;''.

SECTION 5. DEFINITION OF MUNICIPAL ADVISOR.

Section 15B(e)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(e)(4)) is amended to read as follows:

''(4) the term 'municipal advisor'—

''(A) means a person (who is not a municipal entity or obligated person, or an employee of a municipal entity or obligated person) that—

''(i) is engaged, for compensation, by a municipal entity or obligated person to provide advice to a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues; or

''(ii) undertakes a solicitation of a municipal entity;

''(B) includes financial advisors, guaranteed investment contract brokers, third-party marketers, placement agents, solicitors, finders, and swap advisors, if such persons are described in either of clauses (i) or (ii) of subparagraph (A) and are not excluded under subparagraph (C); and

''(C) does not include, solely as a result of their performing the following activities—

''(i) any broker, dealer, or municipal securities dealer registered with the Commission, to the extent that such broker, dealer, or municipal securities dealer is serving or is seeking to serve as an underwriter, placement agent, remarketing agent, dealer-manager, or in a similar capacity, or is providing advice related to or in connection with any such activities and not for separate compensation, or any person associated with such a broker, dealer, or municipal securities dealer;

''(ii) an investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or with any State or territory of the United States that is providing investment advice (whether or not of a type that would subject a person to registration under such Act), or any person associated with such an investment adviser;

''(iii) any person registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.) or this Act in relation to such person's activities with respect to swaps or security-based swaps that is providing advice related to swaps or security-based swaps, or providing advice that is related to or in connection with any such activities and not for separate compensation, or any person associated with such person;

''(iv) a financial institution engaging in any of the activities referred to in clause (i), (ii), or (iii) pursuant to an exemption from registration, acting as a dealer or principal with respect to deposits, foreign exchange, or identified banking products (as defined in paragraphs (1) through (5) of section 206(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c(a))), providing other traditional banking or trust services otherwise subject to a fiduciary duty under State or Federal law, providing administrative or operational services or support, or providing advice that is related to or in connection with any such activities and not for separate compensation;

''(v) any person subject to regulation by a State insurance regulator providing insurance products or services or providing advice that is related to or in connection with any such activities and not for separate compensation;

''(vi) an accountant (or person associated with such accountant) providing customary and usual accounting services, including any attestation or audit service or issuing letters for underwriters for a municipal entity or providing advice that is related to or in connection with any such activities and not for separate compensation;

''(vii) any attorney offering legal advice or providing services that are of a traditional legal nature;

''(viii) an engineer providing engineering advice; or

''(ix) any elected or appointed member of a governing body of a municipal entity or obligated person, with respect to such member's role on the governing body;''.

SEC. 6. DEFINITION OF SOLICITATION OF A MUNICIPAL ENTITY OR OBLIGATED PERSON.

Section 15B(e)(9) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(e)(9)) is amended by striking ''or on behalf of a municipal entity; and'' and inserting the following: ''a municipal entity, but communications on behalf of a fund or other collective investment vehicle shall not be deemed to be on behalf of any investment adviser that advises or manages such fund or investment vehicle;''.

SEC. 7. DEFINITION OF MUNICIPAL DERIVATIVE.

Section 15B(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(e)) is amended—

(1) in paragraph (10), by striking the period on the end and inserting a semicolon; and

(2) by adding at the end the following:

''(11) the term 'municipal derivative' means a swap or security-based swap in which a municipal entity is a counterparty; and''.

SEC. 8. DEFINITION OF ON BEHALF OF.

Section 15B(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(e)), as amended by section 7, is further amended by adding at the end the following:

''(12) the term to provide advice 'on behalf of a municipal entity or obligated person' means to provide advice to a person that is known to be engaged by a municipal entity or obligated person to provide services to such municipal entity or obligated person in connection with the issuance of municipal securities.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DOLD) and the gentlewoman from Wisconsin (Ms. MOORE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

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

There was no objection.

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

I rise today in support of H.R. 2827, which would clarify the definition of a ''municipal adviser'' to reflect the intent of the United States Congress. This bill received unanimous support and passed out of the Financial Services Committee with a vote of 60–0. I would like to urge my colleagues to support this important bipartisan legislation.

Municipal advisers are consultants who advise local municipalities about bond issuances, bond-proceed investment, financial derivative uses, and other financial matters. Like traditional financial advisers, municipal advisers must comply with an existing legal and regulatory framework while owing their clients a fiduciary duty.

But before Dodd-Frank, certain municipal advisers were not subject to any regulations—State, Federal or otherwise. Obviously, this legal and unjustified discrepancy between regulated and unregulated municipal advisers created a significant and, I would

argue, unfair competitive advantage in favor of the unregulated municipal advisers.

Even more importantly, the regulatory gap gave a few bad actors the opportunity to take advantage of the State and local government officials who, like most people, aren't familiar with advanced and technical financial products. Dodd-Frank section 975 addressed this problem by requiring these unregulated advisers to register with the SEC and to follow rules written by the Municipal Securities Rulemaking Board.

The provisions generally have bipartisan political support as well as widespread industry support. However, most of us, both Republicans and Democrats, believe that the SEC's interpretation of the law has gone far beyond what Congress intended by, among other things, requiring volunteer members of local governing boards, engineers providing technical and comparative analysis, and bank tellers to register with the SEC as municipal advisers. In response to its proposal, the SEC received over 1,000 comment letters from across the industry that were overwhelmingly critical of the proposed rule.

This is why I introduced H.R. 2827. H.R. 2827 takes important steps to address these widely acknowledged concerns and specifies the scope and limits of Dodd-Frank's municipal adviser provisions.

After introducing our original version of H.R. 2827, we asked everyone on both sides of the aisle—and industry participants as well with a wide variety of perspectives—to give us their comments and suggestions for improving the legislation. My colleague and cosponsor from Wisconsin (Ms. MOORE) and I have spent countless hours working and listening to all concerned parties to ensure that we have fully considered all the viewpoints in order to come up with the best possible legislation that could also pass with broad bipartisan support. At this time, I certainly want to thank her for all of her efforts.

Mr. Speaker, there were two concerns about the original version of H.R. 2827 that were the most significant. The first was that the original version of the bill would strike the Federal fiduciary duty for municipal advisers, leaving in place just the State-based fiduciary duty standards. Second, even when explicitly engaged to provide municipal adviser services, the original bill would have excluded certain parties from regulation as municipal advisers.

During the subcommittee markup, Ms. MOORE and I articulated our plan for going forward with the legislation, and we invited more comments and suggestions from industry and all concerned parties. We were very pleased with the genuine engagement of the parties from across the industry and with their willingness to generously share their time, experience, effort, and knowledge with us. All of these contributions ultimately produced a better and stronger amended bill. We believe that this new version of the bill addresses the points raised since the subcommittee markup while still maintaining our broad coalition of bipartisan supporters.

This new bill preserves the Federal fiduciary standard and removes the blanket status exemptions while still maintaining a bright-line municipal adviser definition. It protects issuers by establishing clear lines and rules for municipal advisory activity and provides clarity in the marketplace.

In addition to the amendment's substance, I am very proud of the process that we've been able to undertake to get us to this point. I would like to thank my colleague again, Ms. MOORE, and her staff for working with me and my staff, and I thank all of those who worked with us to get us to where we are in this process. They were so generous in sharing their time, and I am confident that what we have is a good bill with which we can move forward. Again, I urge my colleagues to support H.R. 2827.

With that, I reserve the balance of my time.

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

I think Mr. DOLD has dealt very well with very many of the specifics of H.R. 2827 relating to the regulations of municipal advisers. So, before I lose people, I want to briefly talk about the process that brought the bill to this point, and I want to thank a lot of people for their contributions to the final legislation.

As you've heard, the bill that passed the Financial Services Committee by 60–0 reflects the legislative process at its absolute best. It was a collaborative effort between Republicans and Democrats, issuers and market participants, and very, very diligent staffers on both sides of the aisle. If there is a single element that is most responsible for the bill's getting to this point, it is the integrity of the people involved. It speaks to their professionalism in that they stayed at the table and negotiated with the singular purpose of getting to the best result for the municipal market. There were times when the issues were tough and the disagreements real. There were times when it would have been very easy for people to just give up and walk away.

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But to the credit of all involved, everyone kept talking and kept searching for solutions.

Mr. DOLD deserves a tremendous amount of credit for his leadership of this bill. He was consistently willing to engage tough issues in an open and thoughtful manner. I would also like to thank all of my colleagues on the committee, Republican and Democrat alike, for their invaluable input as we negotiated the bill. Finally, I think it is important that I mention the important contributions of Mr. FRANK and Ms. WATERS. At many critical points, both were instrumental in providing guidance.

H.R. 2827, which passed the House Financial Services Committee 60–0, almost didn't pass at all as there was so much confusion generated from the SEC promulgating a rule that initially was very confusing. It's only the second legislative effort related to Dodd-Frank to pass the committee unanimously.

Prior to the passage of Dodd-Frank, non-dealer advisers to municipal governments were unregulated. These unregulated parties were involved in a number of municipal market scandals that ultimately defrauded taxpayers. Section 975 brings municipal financial advisers, swap advisers, placement agents, and GIC brokers under Federal securities law. It is a goal that is not partisan.

Unfortunately, in 2010, the SEC released a proposed rulemaking related to section 975 that created massive confusion in the municipal market regarding how section 975 would be applied in the real world. H.R. 2827 seeks to clarify section 975 to provide certainty to the market so that the rules can be implemented and taxpayers can benefit from the protection it brings. This bill takes a fundamentally different approach from the SEC and the definition of municipal advisers. It makes ''municipal adviser'' an exclusionary definition, rather than trying to outline and define certain transactions which end up being very vague and overly broad.

Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 16 minutes remaining.

Ms. MOORE. It doesn't unnecessarily sweep in the universe of other professionals or impinge on the relationships of issuers and other market participants engaged in legitimate and necessary market activities like underwriting, providing accounting services, engineering advice, or offering traditional deposits and cash-management services to municipalities. It is a straightforward approach that effectuates the goals of 975 while meeting the real world needs of market participants.

I want to urge all my colleagues to support this important regulatory legislation. Again, I cannot thank the participants enough who participated in this bill.

With that, I reserve the balance of my time.

Mr. DOLD. Mr. Speaker, I just want to again thank the gentlelady for her help and support with regard to this process which, as she aptly points out, was at times a little strenuous; but I believe in the end we were able to come together in a bipartisan fashion to produce what I hope is quality legislation that will be better for municipal advisers all across the country.

I reserve the balance of my time.

Ms. MOORE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 2827 and commend my good friends and colleagues, Ms. MOORE and Mr. DOLD and Ranking Member FRANK, and everyone else who worked very hard on this bill and for their willingness to work in a bipartisan way.

It is helpful to recall that the original Dodd-Frank regulations relating to municipal bond advisers only came about because of a number of manmade financial disasters involving municipalities and their advisers who were unregulated. It was just about a year ago that Jefferson County, Alabama, filed the biggest municipal bankruptcy in U.S. history. They joined the ranks of 11 other entities to file a chapter 9 bankruptcy that year, including Boise County, Idaho; Central Falls, Rhode Island; and Harrisonburg, Pennsylvania. They all had unique problems, but one of the things that they had in common was that they got some pretty costly advice, and it will haunt taxpayers for years.

This was an area that was completely unregulated before the financial crisis; and the Dodd-Frank reforms, including the municipal adviser registration requirement, were enacted to respond to those crises. The Dodd-Frank reforms require individuals who advise municipalities to register with the SEC and be subject to regulation by the Municipal Securities Rulemaking Board. This is a very good thing, but most of us agree that the SEC's proposed original rule went just a little bit too far and made the definition of a municipal adviser a little bit too broad. It was defined in a way that could have potentially captured those who were not actually providing investment advice.

For example, I know many institutions were concerned that under the SEC's proposed rule merely providing a bank account to a municipality could mean that an institution would have to register as an adviser and be subject to MSRB regulation all because they just provided basic banking services. As someone who was there during the consideration of Dodd-Frank, I can tell you that that was not what Congress intended; however, I was concerned that the original version of this bill went too far in the other direction, and that could have opened up such a gaping hole you could have driven a truck full of other people's money through it. I was concerned that the draft bill eliminated the critical fiduciary duty standard that we included in Dodd-Frank. The fiduciary duty is a vital element that ensures that the advisers provide advise that is in the best interest of the municipality.

I think that with this revised bill we have struck a good balance. Fiduciary duty is back in, and unintended capture is out. The revised language clearly and reasonably defines the activities that municipal advisers engage in and describes the kinds of advice that they provide. This bill now gives clear legislative guidance to ensure that the goal of heightened supervision of municipal advisers is realized. It keeps taxpayers a little bit safer, credit markets more stable, and regulations a bit fair.

All in all, I would say that it is a job well done, done in a bipartisan spirit with a great deal of time and commitment. I commend the two major sponsors who are speaking with us today; and I thank my good friend, GWEN MOORE, for her work on this bill.

Ms. MOORE. I thank the gentlewoman from New York.

I just want to say again that I think we need to credit Mr. DOLD, who is a fairly new Member. We actually listened to Members who were senior Members and didn't base it on our partisan differences as so often occurs. We really respected people's experience, and listened to their advice very earnestly.

Again, I would urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. DOLD. Mr. Speaker, I don't have any other speakers, but I do want to wrap up with a couple of thank-yous.

I certainly want to thank Chairman BACHUS for allowing this markup to move forward, and I certainly appreciated his help and support. I want to again highlight how this was able to move forward in a bipartisan fashion, and I certainly want to thank my good friend, Ms. MOORE from Wisconsin, for all of her work and efforts to work with me on what I hope is going to be a bill that everyone here in this Chamber will support.

With that, Mr. Speaker, I ask every one of my colleagues on both sides of the aisle to support H.R. 2827, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DOLD) that the House suspend the rules and pass the bill, H.R. 2827, 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 118, DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; PROVIDING FOR CONSIDERATION OF H.R. 3409, STOP THE WAR ON COAL ACT OF 2012; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 22, 2012, THROUGH NOVEMBER 12, 2012

Mr. BISHOP of Utah (during consideration of H.R. 2827), from the Committee on Rules, submitted a privileged report (Rept. No. 112–680) on the resolution (H. Res. 788) providing for consideration of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program; providing for consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; and providing for proceedings during the period from September 22, 2012, through November 12, 2012, which was referred to the House Calendar and ordered to be printed.

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MANHATTAN PROJECT NATIONAL HISTORICAL PARK ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5987) to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5987

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 ''Manhattan Project National Historical Park Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Manhattan Project was an unprecedented top-secret program implemented during World War II to produce an atomic bomb before Nazi Germany;

(2) a panel of experts convened by the President's Advisory Council on Historic Preservation in 2001—

(A) stated that ''the development and use of the atomic bomb during World War II has been called 'the single most significant event of the 20th century' ''; and

(B) recommended that nationally significant sites associated with the Manhattan Project be formally established as a collective unit and be administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service;

(3) the Manhattan Project National Historical Park Study Act (Public Law 108–340; 118 Stat. 1362) directed the Secretary of the Interior, in consultation with the Secretary of Energy, to conduct a special resource study of the historically significant sites associated with the Manhattan Project to assess the national significance, suitability, and feasibility of designating one or more sites as a unit of the National Park System;

(4) after significant public input, the National Park Service study found that ''including Manhattan Project-related sites in

the national park system will expand and enhance the protection and preservation of such resources and provide for comprehensive interpretation and public understanding of this nationally significant story in the 20th century American history'';

(5) the Department of the Interior, with the concurrence of the Department of Energy, recommended the establishment of a Manhattan Project National Historical Park comprised of resources at—

(A) Oak Ridge, Tennessee;

(B) Los Alamos, New Mexico; and

(C) Hanford, in the Tri-Cities area, Washington; and

(6) designation of a Manhattan Project National Historical Park as a unit of the National Park System would improve the preservation of, interpretation of, and access to the nationally significant historic resources associated with the Manhattan Project for present and future generations to gain a better understanding of the Manhattan Project, including the significant, far-reaching, and complex legacy of the Manhattan Project.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to preserve and protect for the benefit of present and future generations the nationally significant historic resources associated with the Manhattan Project;

(2) to improve public understanding of the Manhattan Project and the legacy of the Manhattan Project through interpretation of the historic resources associated with the Manhattan Project;

(3) to enhance public access to the Historical Park consistent with protection of public safety, national security, and other aspects of the mission of the Department of Energy; and

(4) to assist the Department of Energy, Historical Park communities, historical societies, and other interested organizations and individuals in efforts to preserve and protect the historically significant resources associated with the Manhattan Project.

SEC. 4. DEFINITIONS.

In this Act:

(1) HISTORICAL PARK.—The term ''Historical Park'' means the Manhattan Project National Historical Park established under section 5.

(2) MANHATTAN PROJECT.—The term ''Manhattan Project'' means the Federal program to develop an atomic bomb ending on December 31, 1946.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF MANHATTAN PROJECT NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—

(1) DATE.—Not later than 1 year after the date of enactment of this Act, there shall be established as a unit of the National Park System the Manhattan Project National Historical Park.

(2) AREAS INCLUDED.—The Historical Park shall consist of facilities and areas listed under subsection (b) as determined by the Secretary, in consultation with the Secretary of Energy. The Secretary shall include the area referred to in subsection (b)(3)(A), the B Reactor National Historic Landmark, in the Historical Park.

(b) ELIGIBLE AREAS.—The Historical Park may only be comprised of one or more of the following areas, or portions of the areas, as generally depicted in the map titled ''Manhattan Project National Historical Park Sites'', numbered 540/108,834-C, and dated September 2012:

(1) OAK RIDGE, TENNESSEE.—Facilities, land, or interests in land that are—

(A) at Buildings 9204–3 and 9731 at the Y–12 National Security Complex;

(B) at the X–10 Graphite Reactor at the Oak Ridge National Laboratory;

(C) at the K–25 Building site at the East Tennessee Technology Park; and

(D) at the former Guest House located at 210 East Madison Road.

(2) LOS ALAMOS, NEW MEXICO.—Facilities, land, or interests in land that are—

(A) in the Los Alamos Scientific Laboratory National Historic Landmark District, or any addition to the Landmark District proposed in the National Historic Landmark Nomination—Los Alamos Scientific Laboratory (LASL) NHL District (Working Draft of NHL Revision), Los Alamos National Laboratory document LA–UR 12–00387 (January 26, 2012);

(B) at the former East Cafeteria located at 1670 Nectar Street; and

(C) at the former dormitory located at 1725 17th Street.

(3) HANFORD, WASHINGTON.—Facilities, land, or interests in land that are—

(A) the B Reactor National Historic Landmark;

(B) the Hanford High School in the town of Hanford and Hanford Construction Camp Historic District;

(C) the White Bluffs Bank building in the White Bluffs Historic District;

(D) the warehouse at the Bruggemann's Agricultural Complex;

(E) the Hanford Irrigation District Pump House; and

(F) the T Plant (221–T Process Building).

(c) WRITTEN CONSENT OF OWNER.—No non-Federal property may be included in the Historical Park without the written consent of the owner.

SEC. 6. AGREEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Energy (acting through the Oak Ridge, Los Alamos, and Richland site offices) shall enter into an agreement governing the respective roles of the Secretary and the Secretary of Energy in administering the facilities, land, or interests in land under the administrative jurisdiction of the Department of Energy that is to be included in the Historical Park under section 5(b), including provisions for enhanced public access, management, interpretation, and historic preservation.

(b) RESPONSIBILITIES OF THE SECRETARY.—Any agreement under subsection (a) shall provide that the Secretary shall—

(1) have decisionmaking authority for the content of historic interpretation of the Manhattan Project for purposes of administering the Historical Park; and

(2) ensure that the agreement provides an appropriate advisory role for the National Park Service in preserving the historic resources covered by the agreement.

(c) RESPONSIBILITIES OF THE SECRETARY OF ENERGY.—Any agreement under subsection (a) shall provide that the Secretary of Energy—

(1) shall ensure that the agreement appropriately protects public safety, national security, and other aspects of the ongoing mission of the Department of Energy at the Oak Ridge Reservation, Los Alamos National Laboratory, and Hanford Site;

(2) may consult with and provide historical information to the Secretary concerning the Manhattan Project;

(3) shall retain responsibility, in accordance with applicable law, for any environmental remediation that may be necessary in or around the facilities, land, or interests in land governed by the agreement; and

(4) shall retain authority and legal obligations for historic preservation and general maintenance, including to ensure safe access, in connection with the Department's Manhattan Project resources.

(d) AMENDMENTS.—The agreement under subsection (a) may be amended, including to add to the Historical Park facilities, land, or interests in land within the eligible areas described in section 5(b) that are under the jurisdiction of the Secretary of Energy.

SEC. 7. PUBLIC PARTICIPATION.

(a) IN GENERAL.—The Secretary shall consult with interested State, county, and local officials, organizations, and interested members of the public—

(1) before executing any agreement under section 6; and

(2) in the development of the general management plan under section 8(b).

(b) NOTICE OF DETERMINATION.—Not later than 30 days after the date on which an agreement under section 6 is entered into, the Secretary shall publish in the Federal Register notice of the establishment of the Historical Park, including an official boundary map.

(c) AVAILABILITY OF MAP.—The official boundary map published under subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service. The map shall be updated to reflect any additions to the Historical Park from eligible areas described in section 5(b).

(d) ADDITIONS.—Any land, interest in land, or facility within the eligible areas described in section 5(b) that is acquired by the Secretary or included in an amendment to the agreement under section 6(d) shall be added to the Historical Park.

SEC. 8. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with—

(1) this Act; and

(2) the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary, with the concurrence of the Secretary of Energy, and in consultation and collaboration with the Oak Ridge, Los Alamos and Richland Department of Energy site offices, shall complete a general management plan for the Historical Park in accordance with section 12(b) of Public Law 91–383 (commonly known as the ''National Park Service General Authorities Act'') (16 U.S.C. 1a–7(b)).

(c) INTERPRETIVE TOURS.—The Secretary may, subject to applicable law, provide interpretive tours of historically significant Manhattan Project sites and resources in the States of Tennessee, New Mexico, and Washington that are located outside the boundary of the Historical Park.

(d) LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire land and interests in land within the eligible areas described in section 5(b) by—

(A) transfer of administrative jurisdiction from the Department of Energy by agreement between the Secretary and the Secretary of Energy;

(B) donation; or

(C) exchange.

(2) NO USE OF CONDEMNATION.—The Secretary may not acquire by condemnation any land or interest in land under this Act or for the purposes of this Act.

(e) DONATIONS; COOPERATIVE AGREEMENTS.—

(1) FEDERAL FACILITIES.—

(A) IN GENERAL.—The Secretary may enter into one or more agreements with the head of a Federal agency to provide public access

to, and management, interpretation, and historic preservation of, historically significant Manhattan Project resources under the jurisdiction or control of the Federal agency.

(B) DONATIONS; COOPERATIVE AGREEMENTS.—The Secretary may accept donations from, and enter into cooperative agreements with, State governments, units of local government, tribal governments, organizations, or individuals to further the purpose of an interagency agreement entered into under subparagraph (A) or to provide visitor services and administrative facilities within reasonable proximity to the Historical Park.

(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to State, local, or tribal governments, organizations, or individuals for the management, interpretation, and historic preservation of historically significant Manhattan Project resources not included within the Historical Park.

(3) DONATIONS TO DEPARTMENT OF ENERGY.—For the purposes of this Act, or for the purpose of preserving and providing access to historically significant Manhattan Project resources, the Secretary of Energy may accept, hold, administer, and use gifts, bequests, and devises (including labor and services).

SEC. 9. CLARIFICATION.

(a) NO BUFFER ZONE CREATED.—Nothing in this Act, the establishment of the Historical Park, or the management plan for the Historical Park shall be construed to create buffer zones outside of the Historical Park. That an activity can be seen and heard from within the Historical Park shall not preclude the conduct of that activity or use outside the Historical Park.

(b) NO CAUSE OF ACTION.—Nothing in this Act shall constitute a cause of action with respect to activities outside or adjacent to the established boundary of the Historical Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 5987 is a bipartisan bill authored by me that will establish the Manhattan Project National Historical Park. Mr. Speaker, there is a like bill, a bipartisan bill, also pending in the Senate.

The park will encompass three locations that were integral to the tremendous engineering and human achievements of the Manhattan Project. The three locations are the Hanford site in my home State of Washington, Los Alamos in New Mexico, and Oak Ridge in Tennessee.

The vast majority of the facilities that are eligible to be included in this park are already owned by the Federal Government, and they are located on lands owned and controlled by the Department of Energy.

Our Nation already possesses these pieces of history, and the real purpose of this bill is to officially declare the importance of preserving the history, providing access to the public, and include the unique abilities of the Park Service to help tell this story.

Currently, some of these facilities slated for inclusion in this park are scheduled to be destroyed at considerable taxpayer expense. A great many local community leaders in all three States and interested citizens have worked to coordinate a commitment to preserving this piece of our history. Additionally, the government will save millions of dollars from foregone destruction, as opposed to the minimal cost of providing public access and park administration.

In recognition of the important contributions to the Manhattan Project by the men and women at sites across the country, the bill contains a provision allowing communities like Dayton, Ohio, for example, outside the historical park, to receive technical assistance and support from the Department of the Interior as they seek to preserve and manage their own Manhattan Project park resources.

This is a good piece of legislation, and it is part of our history, Mr. Speaker. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

To my friend, Mr. HASTINGS, the technology which created the bomb cannot be separated from the horror which the bomb created. The celebration of the technology of the bomb bespeaks a moral blindness to its effects, which include not only the devastation of the people of Hiroshima and Nagasaki, but the $10 trillion Cold War between the U.S. and Russia and the tens of thousands of nuclear weapons which today hang over the world like so many swords of Damocles.

At a time when we should be organizing the world towards abolishing nuclear weapons before they abolish us, we are instead indulging in admiration at our cleverness as a species. The bomb is about graveyards; it's not about national parks.

The philosopher, Alfred North Whitehead once wrote:

> The major advances in civilization are processes that all but wreck the societies in which they occur.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Ohio I have no more requests for time, and I am prepared to yield back if he is prepared to yield back.

Mr. KUCINICH. I shall continue then.

When you walk into the Bradbury Science Museum at the Los Alamos National Laboratory in New Mexico, you're greeted on your immediate left by replicas of Fat Man and Little Boy, the two bombs that dropped on Hiroshima and Nagasaki. The space surrounding them does not include a picture of the leveled Japanese cities, pictures of children with massive birth defects, or stories of families and hundreds of years of history obliterated in the blink of an eye. It does not include a discussion of the health effects of worldwide distribution of radiation from the bombs or from the larger proliferation of nuclear technology that emanated from Los Alamos.

I am speaking about the Bradbury Science Museum. The bombs reside in a section of the museum called Defense, which presents information on the nuclear arsenal, the nuclear stockpile, plutonium, and explosives. Other sections discuss how nuclear energy works and how the bomb was triggered, how the bomb was triggered.

A substantive discussion of the myriad negative impacts of the technology that came out of the Manhattan Project is relegated to obscurity. A public forum tucked away in a corner provides space for public input.

When the U.S. dropped atomic bombs on Hiroshima and Nagasaki in August of 1945, more than 200,000 people were killed instantly. In the years that followed, over 100,000 additional people died of radiation poisoning. The Japanese people today continue to experience the devastating and long-term effects of the bomb.

It is now widely acknowledged by many top U.S. Government officials at the time of the war that dropping the bomb on Japan was completely unnecessary. I want to get into that section at this moment so that those who say, well, we need to create a memorial to the bomb because it ended the war, well, that's not true. I'm going to give you some quotes, Mr. Speaker.

This is from Dwight David Eisenhower, who was general of the armies and also, later on, President of the United States. He said:

> In July 1945, Secretary of War Stimson, visiting my headquarters in Germany, informed me that our government was preparing to drop an atomic bomb on Japan. I was one of those who felt that there were a number of cogent reasons to question the wisdom of such an act. The Secretary, upon giving me the news of the successful bomb test in New Mexico and of the plan for using it, asked for my reaction, apparently expecting a vigorous assent.
>
> During his recitation of the relevant facts, I had been conscious of a feeling of depression, and so I voiced to him my grave misgivings, first on the basis of my belief that Japan was already defeated and that dropping the bomb was completely unnecessary, and secondly because I thought that our country should avoid shocking world opinion by the use of a weapon whose employment was, I thought, no longer mandatory as a measure to save American lives. It was my belief that Japan was, at that very moment, seeking some way to surrender with a minimum loss of ''face.'' The Secretary was deeply perturbed by my attitude.

That's Dwight Eisenhower in a book called ''Mandate for Change,'' page 360.

□ 2000

From General Douglas MacArthur.

Norman Cousins was a consultant to General MacArthur during the American occupation of Japan. Cousins writes of his conversations with MacArthur:

MacArthur's views about the decision to drop the atomic bomb on Hiroshima and Nagasaki were starkly different from what the general public supposed.

Cousins continues:

When I asked General MacArthur about the decision to drop the bomb, I was surprised to learn he had not even been consulted. What, I asked, would his advice have been? He replied that he saw no military justification for the dropping of the bomb. The war might have ended weeks earlier, he said, if the United States had agreed, as it later did anyway, to the retention of the institution of the Emperor.

That's from a book called ''The Pathology of Power,'' Norman Cousins.

Leo Szilard was the first scientist to conceive of how an atomic bomb might be made. That was in 1933. He speaks of a meeting with J. Robert Oppenheimer, the head scientist of the Manhattan Project:

Szilard: I told Oppenheimer that I thought it would be a very serious mistake to use the bomb against the cities of Japan. Oppenheimer didn't share my views. Well, said Oppenheimer, don't you think that if we tell the Russians what we intend to do and then use the bomb in Japan, the Russians will understand it? They'll understand it only too well, Szilard replied.

Brigadier General Carter Clarke, who was the military intelligence officer in charge of preparing intercepted Japanese cables:

We didn't need to do it, and we knew we didn't need to do it, and they knew that we didn't need to do it, we used them as an experiment for two atomic bombs.

This is quoted in Gar Alperovitz, ''The Decision to Use the Atomic Bomb.'' Alperovitz, by the way, who did 30 years of research on the subject, said:

I think it can be proven that the bomb not only was unnecessary, but known in advance not to be necessary.

Another quote. Henry H. Arnold, Commanding General of the U.S. Army Air Forces:

The Japanese position was hopeless even before the first atomic bomb fell because the Japanese had lost control of their own air.

Fleet Admiral Chester W. Nimitz, Commander in Chief of the U.S. Pacific Fleet:

The Japanese had, in fact, already sued for peace. The atomic bomb played no decisive part from a purely military point of view in the defeat of Japan.

The use of atomic bombs at Hiroshima and Nagasaki was of no material assistance in our war against Japan. The Japanese were already defeated and ready to surrender.

This is Admiral William D. Leahy, chief of staff to President Truman:

Certainly, prior to 31 December 1945, and in all probability, prior to 1 November 1945, Japan would have surrendered even if atomic bombs had not been dropped.

That's from the U.S. Strategic Bombing Survey.

This is from Major General Curtis LeMay:

The war would have been over in 2 weeks without the Russians entering and without the atomic bomb. The atomic bomb had nothing to do with the end of the war at all.

Now it's just not disputable that this technology was not necessary. So let's go back to the creation of a national park and the naming of the park after the Manhattan Project.

May I ask how much time I have?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. KUCINICH. Thank you.

We have to now ask ourselves, since it can be widely disputed—and by top military officials—that the dropping of the bomb was not necessary, then why are we honoring this technology with a national park? It's really a legitimate question.

When the U.S. dropped atomic bombs on Hiroshima and Nagasaki in August of 1945, again, 200,000 people were killed. And to have this discussion in the context of honoring a technology that created a bomb, I think, really raises questions about where we are with this country and where we are with the bomb. The splitting of the atom and the use of the split atom to create an atomic bomb actually bespeaks a split consciousness in this country. It was, in a sense, an intensification of dichotomized thinking, of us versus them, whoever they are. We then decided that all of our problems in humanity could be solved by technology, that the bomb then was put in place of reason, that the bomb was put in place of diplomacy, that the bomb was put in place of talking with each other and settling our differences. No, the bomb then became the metaphor for how technology rules over humanity. We're captives of our own machines.

Now, Mr. Speaker, I remember as a young person going to elementary school and that children would have to do drills called duck-and-cover because we believed that the United States was going to be targeted by nuclear weapons launched by the Soviet Union. The fear drove an entire generation's dreams. The fear caused the United States to spend trillions of dollars on a Cold War that took away from the needs of the people. The fear resides in the world today when there are some who urge an attack on Iran. Why? Because they are said to be developing a nuclear weapon.

Where does this stop? We cannot honor this technology. We cannot celebrate ingenuity that was used to put all of humanity at risk. We have to begin to reassess who we are as human beings and ask ourselves whether or not we have essentially reached the limits of our ability to develop technology which we can control.

And it's not only about nuclear weapons. When you learn that the globe itself is experiencing tremendous upset because of the human activity, when you learn that science can now create genetically modified organisms that can change the nature of food. As a matter of fact, life itself can be changed through cloning. We act as these mini gods who can endlessly tinker with our planet and life itself and then name parks after it. No.

In the scheme of things, someone will say, Dennis, this is just a park. What are you getting so excited about? This is about naming a new national park after the Manhattan Project. And we have to just stop and reflect on where this takes us. There should be a discussion about the full legacy of the Manhattan Project, including its devastating effects upon the Japanese people and upon the rest of the world.

If there was going to be a new park, it should serve as a solemn monument to Japanese American friendship that rose from the ashes and the worldwide work for nuclear disarmament that continues to this day, rather than a celebration of a technology that has brought such destruction to the world. Failure to recognize this dimension, even in its first iteration, really is a significant injustice.

I looked at the CRS report on this, and there's no mention of how this is going to be framed or phrased. The museum at Los Alamos is a celebration of the triumph of technology over humanity. It's a powerful illustration that we're developing technology at a rate that far exceeds our ability to manage it. Now we are faced with the choice to memorialize this point of view into a national park.

I would ask how much time I have left.

The SPEAKER pro tempore. The gentleman has 4½ minutes.

Mr. KUCINICH. In the last 4½ minutes I want to read a poem by Henry Reed. He juxtaposes in this poem Japan before the dropping of the bomb and the technical aspects of the bomb itself.

□ 2010

It's called ''The Naming of Parts'':

Today we have the naming of parts. Yesterday, we had daily cleaning. And tomorrow morning, we shall have what to do after firing. But today, today we have the naming of parts. Japonica glistens like coral in all of the neighboring gardens, and today we have naming of parts.

This is the lower sling swivel. And this is the upper sling swivel, whose use you will see when you are given your slings. And this is the piling swivel, which in your case you have not got. The branches hold in the gardens their silent, eloquent gestures, which in our case we have not got.

This is the safety-catch, which is always released with an easy flick of the thumb. And please do not let me see anyone using his finger. You can do it quite easily if you have any strength in your thumb. The blossoms are fragile and motionless, never letting anyone see any of them using their finger.

And this, you can see, is the bolt. The purpose of this is to open the breech, as you see. We can slide it rapidly backwards and forwards: we call this easing the spring. And rapidly backwards and forwards. The early bees are assaulting and fumbling the flowers: They call it easing the spring.

We're naming a park today. Yesterday we had the naming of parts, and not just Japan but our humanity was obliterated. Do we get a chance to reclaim it?

I reserve the balance of my time.

Mr. HASTINGS of Washington. I am prepared to close, Mr. Speaker, if the gentleman will yield back his time.

Mr. KUCINICH. I yield back the remainder of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, this bill is really not as complicated as my good friend from Ohio tries to make it appear to be.

Now, I recognize, and we've had conversations on this when the bill was introduced, and I respect his opinion, but I respectfully disagree with his opinion and his arguments. There is nothing wrong with that. After all, we're Americans, and we can do that in America.

But I want to, and with the gentleman, what I heard him saying was dealing in what if and what would be an ideal world. Well, we'd all like to have an ideal world. But let's talk about reality at that time.

We were forced into the Second World War. Germany, of course, had started, some can say, started that war with their blitzkrieg on September 1, 1939, into Poland. You could say it may have started when Japan started expanding where they were going in the Pacific, and certainly when they attacked us on December 7, 1941.

Whether we liked it or not, we were in a war for survival. There is no question about that. That is simply the facts.

In the process of carrying out that war, and by the way, Mr. Speaker, let me say that war is absolutely unpredictable, but because if you're logically thinking about war, if it were predictable, it wouldn't have happened in the first place. But the very nature of war is unpredictable.

So we didn't know where we were, but we had heard that Nazi Germany was developing an atomic weapon. Now, they had been building a military machine long before because we were caught a bit off guard in the Second World War. We were not a warring Nation. So we had to use whatever technology we had in order to defend our freedoms. One way that was decided was to build an atomic weapon if we had to use that atomic weapon.

What this bill purports to do is nothing more than to talk about the ingenuity of the American people to develop this weapon when the nuclear industry was relatively in its infancy, and did it in such a short time frame. That is something that we ought to put into our history books because we do put past battles in our history books.

Just earlier this week was the 150th anniversary of Antietam, right up the road here in Sharpsburg, Maryland—the largest single-day casualty in American history at that time. Yet we memorialize the battlefield because it helped preserve our Union and get our Union back together.

So I think it's right that we look at these from that perspective.

Now, I can only imagine how difficult a decision it was for President Truman shortly after President Roosevelt had died to make this decision; but he made it because in his judgment, given the information he had, it would probably save more lives than it would cost by dropping a bomb. That was the judgment he made.

Let me speak just a little bit about, again, the ingenuity and the technology of what happened, and I can only speak about my area, Hanford, and about, specifically, about the B Reactor.

This is the first nuclear reactor that was built in this country; and from start to finish, it was built in less than a year. The technology at that point wasn't even proven. Yet when they started the B Reactor and went ''hot,'' as they said, it obviously did what it was supposed to do. It was a tremendous scientific achievement.

To open this up to the public and open this up to school children to see what we can do and what we did in this country to protect the freedoms and liberty we have, I think is worth preserving.

Again, all this does is take those three main sites that largely are already owned by the government, transfer them to the National Park Service, and show them to the public so we can learn and remember what happened during that time.

Finally, Mr. Speaker, let me say that I've been down on this floor many times criticizing the Obama administration. But the Obama administration, through Secretary Salazar and the Department of the Interior, is in favor of legislation establishing precisely what this bill and the Senate bill hope to do.

So while I have differences with them, I certainly congratulate them for recognizing how important this legislation is.

With that, Mr. Speaker, I urge adoption of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 5987, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 2020

GLOBAL INVESTMENT IN AMERICAN JOBS ACT OF 2012

Mrs. BONO MACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5910) to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to produce a report on enhancing the competitiveness of the United States in attracting foreign direct investment, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5910

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 ''Global Investment in American Jobs Act of 2012''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It remains an urgent national priority to improve economic growth and create new jobs.

(2) National security requires economic strength and global engagement.

(3) Businesses today have a wide array of choices when considering where to invest, expand, or establish new operations.

(4) Administrations of both parties have consistently reaffirmed the need to maintain an open investment climate as a key to domestic economic prosperity and security.

(5) The United States has historically been the largest worldwide recipient of global investment but has seen its share of inbound global investment decline relative to its gross domestic product in recent years.

(6) Governors and mayors throughout the United States face increasing competition from other countries as they work to recruit investment from global companies.

(7) Foreign direct investment can benefit the economy and workforce of every State and Commonwealth in the United States.

(8) According to the latest Federal statistics, the United States subsidiaries of companies headquartered abroad contribute to the United States economy in a variety of important ways, including by—

(A) providing jobs for nearly 5,300,000 Americans with average compensation that is approximately 33 percent higher than the national private-sector average, as these jobs are often in high-skilled, high-paying industries;

(B) strengthening the United States industrial base and employing nearly 15 percent of the United States manufacturing sector workforce;

(C) establishing operations in the United States from which to sell goods and services around the world, thereby producing nearly 18 percent of United States exports;

(D) promoting innovation with more than $41,000,000,000 in annual United States research and development activities;

(E) paying nearly 17 percent of United States corporate income taxes; and

(F) purchasing more than $1,800,000,000,000 in domestic goods and services annually from local suppliers and small businesses, amounting to 80 cents for every dollar spent on input purchases.

(9) These companies account for 5.8 percent of United States private sector Gross Domestic Product.

(10) The Secretary of Commerce and the Secretary of State have declared increasing inbound global investment to be among their top priorities.

(11) The President issued a statement in 2011 reaffirming the longstanding open investment policy of the United States and encouraged all countries to pursue such a policy.

(12) The President signed an Executive order in 2011 to establish the SelectUSA initiative, aimed at promoting greater levels of business investment in the United States.

(13) The President's Council on Jobs and Competitiveness in 2011 recommended the establishment of a National Investment Initiative to attract $1,000,000,000,000 in new business investment from abroad.

(14) The United States and the European Union recently unveiled a set of principles aimed at promoting a more open climate for international investment and intended as a model for countries around the world.

(15) Maintaining the United States commitment to open investment policy encourages other countries to do the same and enables the United States to open new markets abroad for United States companies and their products.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the ability of the United States to attract inbound investment, particularly net new investment, is directly linked to the long-term economic prosperity, competitiveness, and security of the United States;

(2) in order to remain the most attractive location for global investment, Congress and Federal departments and agencies should be mindful of the potential impact upon the ability of the United States to attract foreign direct investment when evaluating proposed legislation or regulatory policy;

(3) it is a top national priority to enhance the competitiveness, prosperity, and security of the United States by—

(A) removing unnecessary barriers to inward global investment and the jobs that it creates throughout the United States; and

(B) promoting policies to ensure the United States remains the premier destination for global companies to invest, hire, innovate, and manufacture their products; and

(4) while foreign direct investment can enhance our economic strength, policies regarding foreign direct investment should reflect national security interests.

SEC. 4. AMENDMENT TO FOREIGN DIRECT INVESTMENT AND INTERNATIONAL FINANCIAL DATA IMPROVEMENTS ACT OF 1990.

Section 3 of the Foreign Direct Investment and International Financial Data Improvements Act of 1990 (22 U.S.C. 3142) is amended by adding at the end the following:

''(d) REVIEW OF UNITED STATES LAWS AND POLICIES ON FOREIGN DIRECT INVESTMENT IN THE UNITED STATES.—

''(1) REVIEW.—The Secretary of Commerce, in coordination with the Federal Interagency Investment Working Group and the heads of other relevant Federal departments and agencies, shall conduct an interagency review of United States laws and policies on foreign direct investment in the United States and develop recommendations to make the United States more competitive in attracting and retaining strong investment flows from abroad.

''(2) ADDITIONAL MATTERS TO BE INCLUDED.—The review conducted pursuant to paragraph (1) shall include the following:

''(A) A review of the current economic impact of foreign direct investment in the United States and broader trends in global cross-border investment flows, including an assessment of the current United States competitive position as an investment location for companies headquartered abroad.

''(B) A review of United States laws and policies that uniquely apply to foreign direct investment in the United States, with particular focus on those laws and policies that may have the effect of diminishing or promoting the ability of the United States to attract and retain foreign direct investment.

''(C) A review of ongoing Federal Government efforts to improve the investment climate, reduce investment barriers, and facilitate greater levels of foreign direct investment in the United States.

''(D) Recommendations based on the review carried out pursuant to subparagraph (B), including a comparative analysis of efforts of other competing countries, to make the United States more competitive in attracting global investment.

''(E) The impact of foreign direct investment on innovation and national economic competitiveness.

''(F) A review of State and local government initiatives to attract foreign investment.

''(3) COMMENT PERIOD.—The review conducted under paragraph (1) shall include an open comment period to solicit public input on matters covered by the review.

''(4) INCLUSION IN REPORT.—The Secretary of Commerce shall include the results of the review conducted pursuant to paragraph (1) in the first report prepared under subsection (a) of this section on or after the date of the enactment of the Global Investment in American Jobs Act of 2012.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO MACK) and the gentleman from Georgia (Mr. BARROW) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. BONO MACK. 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 materials into the RECORD on H.R. 5910.

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

There was no objection.

Mrs. BONO MACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Subcommittee on Commerce, Manufacturing and Trade, I rise today in strong support of H.R. 5910, the Global Investment in American Jobs Act of 2012. This legislation directs the Department of Commerce, in coordination with the heads of other relevant Federal departments, to produce an interagency report on enhancing the competitiveness of the United States in attracting foreign and direct investment.

This is a commonsense, bipartisan approach to creating new jobs in America, and I would like to thank my colleagues—Mr. DOLD, Mr. PETERS, Mr. ROSKAM and Mr. BARROW—for their hard work on this important legislation. I would also like to thank Energy and Commerce Committee Chairman UPTON, Ranking Member WAXMAN, and subcommittee Ranking Member BUTTERFIELD for all agreeing to bring H.R. 5190 to the floor. It has the strong support of leading business groups, including the U.S. Chamber of Commerce, the Organization for International Investment, the Association of Global Automakers, and the National Association of Manufacturers.

Today, with our economy stuck in a dangerous quagmire—and with unemployment still above 8 percent for a record 43 straight months—we need to take a long, hard look at U.S. laws and policies which serve as barriers to foreign direct investment in our Nation here at home. The goal of the Global Investment in American Jobs Act is to produce a much-needed ''competitiveness assessment report'' to Congress, along with a list of recommendations to make the U.S. more appealing to global companies seeking to expand beyond their borders.

This legislation comes at a very critical time. The value of cross-border investment has grown dramatically around the world, but America simply isn't cashing in like it once did. Just a decade ago, the U.S. attracted more than 41 percent of all global foreign investment. Today, that number has fallen to 18 percent—a steep, costly, and unacceptable decline.

In many ways, we're being out-recruited by other nations. In a recent global ranking of the world's most competitive economies, the U.S. slipped from fifth to seventh—marking the fourth straight year in which our Nation has shown a decline, despite having the world's largest economy. This constant chipping away at America's ability to compete for foreign investment is contributing to our unacceptably high unemployment rate and adding to our exploding national debt. This legislation is simply one way to fight back.

International investment has long served as an engine for U.S. economic prosperity, and it can play an important role in our economic recovery in the years ahead.

Today, the U.S. subsidiaries of international companies employ 5.3 million American workers, account for about 15 percent of the country's manufacturing workforce, produce more than 20 percent of all U.S. goods exported, and fund more than $40 billion of annual research and development activities. These companies also support a diverse supplier network throughout our country, purchasing roughly $2 trillion in annual goods and services that help to sustain thousands of small and medium-sized American companies.

The Global Investment in American Jobs Act aims, for the very first time, to identify barriers to new investment and to produce a road map for attracting and retaining top-tier businesses from around the world. Strong investment promotion policy will not only spur international companies to create jobs here in the U.S., but it will also encourage other nations to open their markets to U.S. investment necessary to access foreign markets.

Simply put, this legislation sends an important message to the world: today, America is not only open for business, but it's also a great place to do business.

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

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

Mr. Speaker, I too rise in support of H.R. 5910, the Global Investment in American Jobs Act of 2012.

Our success as a country depends more and more on being competitive in a global economy. The United States has historically been a very attractive investment for foreign businesses. In fact, foreign-owned businesses add over 5 million good-paying jobs to the U.S. labor force, produce nearly 18 percent of all U.S. exports, pay nearly 17 percent of all U.S. corporate income taxes, and purchase nearly $2 trillion in goods and services from other domestic small businesses.

This bill simply requires the Department of Commerce to work with the heads of other relevant Federal departments to conduct a review of U.S. laws and policies that affect foreign investment in the U.S. and then make recommendations on how we can be more competitive in attracting foreign investment.

As our global competitors continue to develop, we have to evolve as well just to keep up. This bill will give us a fuller picture of our challenges and opportunities so we can develop a coordinated strategy for economic success. It's the key to our economic well-being in the decades to come.

I want to thank Congressman DOLD, Congressman ROSKAM, and Congressman PETERS for their collaborative and bipartisan work on this bill. Working together isn't just the right way to do things around here; it's the only way to actually get anything done around here. However much we may tend to forget that in this body, it's the only way to truly represent the Nation as a whole.

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

Mrs. BONO MACK. Mr. Speaker, I am pleased to yield 5 minutes to one of the very hardworking authors of this legislation, the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I certainly want to thank my good friend from California for yielding the time and for her leadership on the subcommittee.

Mr. Speaker, global investment grows our economy right here at home. It means good-paying, solid American jobs. The United States is the premier location around the world for companies to invest and establish operations, but the reality is that other nations are getting better at challenging the United States for foreign direct investment opportunities. In fact, the United States share of global foreign investment has declined, as my friend from California pointed out, from over 41 percent in 1999 to what is under 18 percent—actually 17.6 percent in 2009.

While America still leads the way in attracting this inbound or inward investment, the data make it clear that we must do better in order to remain the premier location for global investment in the 21st century. That's why I am proud to introduce and champion H.R. 5910, the Global Investment in American Jobs Act. I urge my colleagues who are focused on improving our economy and creating American jobs to vote in support of this legislation so that it can get signed quickly by the President.

The Global Investment in American Jobs Act has earned broad bipartisan support both here in the House and in the United States Senate. And I want to thank Congressman ROSKAM, Congressman BARROW, Congressman PETERS, as well as Senators KERRY and CORKER, for helping lead the push for this legislation. I also want to thank the many cosponsors who recognize how important this legislation is to growing our economy and keeping jobs here at home.

This legislation provides a road map for enhancing the U.S. competitiveness and attracting foreign direct investment into the United States. It does this by expanding on an existing Commerce Department report and charges the Commerce Department to identify certain policies and regulations—whether those are in existence intentionally or, more importantly, indirectly or unintentionally—that might uniquely create a barrier for investment here in the United States. It also helps us gain a better understanding of which current policies promote this much-needed global investment into the United States and into our communities.

Mr. Speaker, in Illinois, insourcing currently accounts for a little over 273,000 direct jobs, including many great jobs in the 10th District of Illinois. But it's not just in Illinois. The benefits of this inbound investment is seen in literally every State, helping us to sustain innovation, manufacturing, trade, supplier networks, and over 5 million direct jobs throughout our Nation.

□ 2030

But with other nations actively reforming their policies in an effort to make their countries increasingly more competitive for these global investments, it's critical that the United States do the same.

Promoting and encouraging global investment into our country, and the jobs that will come with it, is something that we all should promote. It is something that has been identified as key to economic growth in our country, certainly in the Chicago region, and it is something that I'm proud to lead the charge on in Congress.

I urge my colleagues to vote ''yea'' on the legislation, and I want to thank my colleague from Georgia for his help and leadership as well.

Mr. BARROW. Mr. Speaker, there being no further speakers on our side, I would inquire of the gentlelady from California if she has any further speakers on hers.

Mrs. BONO MACK. No, I do not have any further speakers. At this time, I'm prepared to close.

Mr. BARROW. With that, Mr. Speaker, it falls to me only to thank, once again, Congressman DOLD, Congressman ROSKAM, and Congressman PETERS for their work on this bill.

I yield back the balance of my time.

Mrs. BONO MACK. Mr. Speaker, I'm just going to say that there's absolutely no magic bullet for putting Americans back to work again, but what we can do and what we should do is eliminate the endless roadblocks to job creation which are acting like a tire boot on the U.S. economy. Today we're simply going nowhere fast.

This bill will help to get America moving again by removing many of those barriers and by developing a much-needed plan for attracting top-tier businesses from around the world. Today, with more than 23 million Americans who are unemployed or underemployed, it's time to cut that tire boot off of our economy and to develop a new roadmap for prosperity. The Global Investment in American Jobs Act of 2012 is one way for us to start on that journey.

Mr. Speaker, again, I applaud my colleagues for their hard work, and I thank them very much for what they've done.

I strongly urge all of my colleagues to adopt H.R. 5910. It is a bipartisan bill. It's supported by leading business groups. And when it comes to job creation, it's another piece to the puzzle that simply fits perfectly.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO MACK) that the House suspend the rules and pass the bill, H.R. 5910, 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.

DRYWALL SAFETY ACT OF 2012

Mrs. BONO MACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4212) to designate drywall manufactured in China a banned hazardous product, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4212

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 ''Drywall Safety Act of 2012''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and

exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

SEC. 3. DRYWALL LABELING REQUIREMENT.

(a) LABELING REQUIREMENT.—Except as provided in subsection (b), not later than one year after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)) requiring that each sheet of drywall manufactured or imported for use in the United States be permanently marked with the name of the manufacturer and the month and year of manufacture.

(b) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Consumer Product Safety Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States is adequate to permit the identification of the manufacturer of such drywall and the month and year of manufacture; and

(B) such voluntary standard is or will be in effect not later than 2 years after the date of enactment of this Act.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(c) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—Except as provided in subsection (d), if the Commission determines that a voluntary standard meets the conditions under subsection (b)(1), then the labeling requirement of that standard shall be enforceable as a Commission rule promulgated under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)) beginning on the date that is the later of—

(1) 180 days after publication of the determination under subsection (b); or

(2) the effective date contained in the voluntary standard.

(d) REVISION OF VOLUNTARY STANDARD.—If the labeling requirement of a voluntary standard that met the conditions of subsection (b)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The labeling requirement of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date the Commission may specify), unless within 90 days after receiving that notice the Commission determines that the labeling requirement of the revised voluntary standard does not meet the requirements of subsection (b)(1)(A), in which case the Commission shall continue to enforce the prior version.

SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b) RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home; and

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) REVISION OF VOLUNTARY STANDARD.—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission may specify), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) FUTURE RULEMAKING.—Notwithstanding any other provision of this Act, the Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to reduce the sulfur content limit or to include any provision relating to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.

Not later than 120 days after the date of enactment of this Act, the Consumer Product Safety Commission shall revise its ''Remediation Guidance for Homes with Corrosion from Problem Drywall'' to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO MACK) and the gentleman from Florida (Mr. DEUTCH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. BONO MACK. 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 materials in the RECORD on H.R. 4212.

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

There was no objection.

Mrs. BONO MACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Subcommittee on Commerce, Manufacturing and Trade, which has jurisdiction over the Consumer Product Safety Commission, I rise today in strong support of H.R. 4212, an important bipartisan bill to help the Federal Government fight the problem of defective and potentially hazardous Chinese drywall.

I would like to thank my colleague, Mr. RIGELL of Virginia, for all of his hard and thoughtful work on this important legislation.

Today, if something smells rotten in your home or in your business, Chinese drywall may be to blame. Scientific laboratory tests have identified emissions from some of this drywall to include sulfurous gases such as hydrogen sulfide, which leaves a stench muck like rotten eggs.

It's time to address this widespread problem, which exploded across our landscape after Hurricane Katrina. By some estimates, enough suspect Chinese drywall has entered the U.S. since 2006 to build more than 60,000 American homes, many of which are located in the southeastern U.S.

But here's the problem. The emissions from contaminated drywall worsen as the temperature and the humidity rise, causing copper surfaces, including pipes, wiring, and air conditioning coils to become blackened and corroded. As a result, many people have complained about respiratory problems such as chronic coughing, asthma attacks, and difficulty in breathing, and that's in addition to headaches and sinus issues.

Most of the companies which made this bad drywall are owned, at least in part, by the Chinese Government, and they have steadfastly refused to appear in American courts or to cooperate with the Federal Government's ongoing safety investigation.

In some cases, U.S. builders, to their credit, have stepped up on their own to remediate the problem, but thousands of others have had to sue or simply eat the costs of replacing this drywall.

H.R. 4212 is one way to help prevent this problem from happening again in the future.

But, at the same time, we're also trying to help people who've already been impacted. This bill directs the Secretary of Commerce to work with the Chinese Government in coming up with a fair solution to settle outstanding claims.

In addition, H.R. 4212 requires labeling of all drywall with the name of the manufacturer and the date of its manufacture. In the past, the lack of this critically important information has been a real problem because homeowners couldn't tell, in many cases, which company manufactured that bad drywall.

And finally, this legislation requires the Consumer Product Safety Commission to promulgate an important new standard to limit the sulfur content of drywall, unless industry comes up with an acceptable voluntary standard first.

Mr. Speaker, science has spoken. This isn't a case of we think we have a problem. Today, we know we have a problem. China chooses to ignore it, but America chooses to do something about it.

I strongly urge the adoption of this bill, and I reserve the balance of my time.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, October 5, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for your consultation with the Foreign Affairs Committee on the amended text of H.R. 4212, the Drywall Safety Act of 2012, given the referral of that bill to our Committee.

I am writing to confirm the agreement of the Foreign Affairs Committee to be discharged from consideration of H.R. 4214 in order to expedite its consideration on the House floor. In agreeing to waive consideration of that bill, this Committee does not waive any jurisdiction that it has over provisions in that bill or any other matter. This also does not constitute a waiver of the participation of the Committee of Foreign Affairs in any conference on this bill. I ask that you include a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and collegiality in this matter.

Cordially,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 17, 2012.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN, Thank you for your letter regarding H.R. 4212, the ''Contaminated Drywall Safety Act of 2012.'' As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

I appreciate your willingness to forgo action on H.R. 4212, and I agree that your decision should not prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this or similar legislation, including the appointment of conferees in the event of a conference on this bill.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4212 on the House floor.

Thank you again for assistance on this matter.

Sincerely,

FRED UPTON,
Chairman.

Mr. DEUTCH. Mr. Speaker, I would be prepared to reserve my time if my friend, Mr. RIGELL, would like to speak first.

Mrs. BONO MACK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. RIGELL), my colleague and the author of this bill, a very hard worker.

Mr. RIGELL. I thank the gentlelady for yielding, and I thank my colleagues for being here tonight to support a really great and much-needed piece of legislation.

I do rise in strong support of the Drywall Safety Act of 2012. This truly is a bill about protecting the American family, both their physical health and their financial health.

Mr. Speaker, this is about doing what is right to address a terrible injustice that has fallen upon so many families, many of whom live in the Second Congressional District of Virginia, and thousands across our country. These are families that are reeling financially, and also their health has been damaged because of drywall that was manufactured in a defective manner in China and then shipped to the United States and installed in homes across our great land.

They're our friends and neighbors, hardworking folks who saved, bought homes, and were living the American Dream, or really, so they thought. And their dream, Mr. Speaker, so often has turned into a true nightmare. Their children have developed just bloody noses and respiratory ailments.

Mr. Speaker, I've met with these families. It's really heartbreaking. They're having to pay for their current home, which is uninhabitable, and then go out and rent or maybe attempt to buy another home. It's a type of financial stress that so many of the families have been unable to adjust to. And many of them, so many of whom I've met with, have ended up having to file financial bankruptcy.

So I appreciate the leadership of the chairwoman this evening and my friend and colleague, Representative DEUTCH, a cochairman with me on the Contaminated Drywall Caucus. We've advanced, we believe, a sound piece of legislation, bipartisan, that really addresses this problem. It doesn't, and we don't portend that it fixes everything, but it is a major and significant step forward.

These families, the only thing they have left is, I think, hope that we'll do the right thing here tonight. It's been over 4 years that these families have been hurting. You know, they looked first to the lender, to the importers of the drywall, to the insurers. They didn't find any real relief there.

□ 2040

Some of the banks, to their credit, have given some consideration, but it's not enough. We've got to act tonight in this House, and I trust that we will.

The bill takes China to task directly for failing to require their state-owned manufacturers to compensate the victims of their contaminated products. It expresses the undivided sense of Congress that the Government of China needs to make right and ensure that those who have lost so much are made whole.

As the chairwoman pointed out, clear labeling requirements are incorporated into the legislation; and by limiting the amount of elemental sulfur allowed in the drywall, it will ensure that drywall that is defective is not imported into this country. As a lighter, smarter regulation advocate, I am delighted that we have gone the route of voluntary standards. If we can go that direction, that's our preferred way above the regulatory approach. So we set up the industry, itself, to advance by setting industry standards that will apply as well to foreign manufactured drywall products, and we will protect our homeowners that way.

In closing, I just want to express again my sincere appreciation to all of those who have made it possible for us to bring the bill to the floor, and I trust and hope that we will pass it by unanimous consent tonight.

I particularly want to thank my friend and colleague from Florida, Representative DEUTCH, for his leadership in serving as the cochairman of our caucus.

You've just been terrific, and your staff has been terrific.

I also want to thank the majority and minority members and the staffs on the Energy and Commerce Committee who worked so hard to navigate a lot of challenges to get this bill to the floor.

Mr. Speaker, this is commonsense legislation. It is much needed. I know these families and they are hurting. I trust and encourage my colleagues to do the right thing tonight—to advance this bill and to support it.

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

I rise in strong support of this amended form of H.R. 4212, the Contaminated Drywall Safety Act of 2012.

My friend Mr. RIGELL is correct: when we have an opportunity to do something for the families in America who are really suffering and when we can do it in a commonsense and bipartisan way, we have every responsibility to take that action. That's what this bill is about, and that's what this evening is about.

In the wake of the 2005 and 2006 hurricane seasons, a domestic shortage of drywall developed in our country, drywall for rebuilding homes and businesses. To make up for this shortage, builders began importing several million tons of drywall from China; but it was not until 2009 that reports started

to surface that, unbeknownst to the builders or to the consumers, much of the drywall coming from China emitted high levels of corrosive sulfur.

Currently, thousands of homeowners in 42 States, as well as in the District of Columbia, Puerto Rico and American Samoa, have been enduring an emergency situation in which contaminated drywall from China has been causing ever worsening destruction and damage to their homes. It has also caused serious health problems for the families living in those homes. Like my friend from Virginia, in having the opportunity to visit with families and listen to them share their stories about the illnesses that come one after another after another to their children, ultimately forcing them to move from their homes, one can't be helped but be moved to action.

The problematic drywall corrodes copper piping and wiring in homes, which causes the failure of air-conditioning systems, telecommunications wiring, wiring for lighting and other household appliances. Such corrosion poses both potential fire and safety hazards in homes, and it causes undue financial hardship for homeowners who are constantly forced to repair or replace essential appliances.

The damage to the housing structures and the detrimental health impact on family members caused by contaminated Chinese drywall renders many of these homes simply uninhabitable. Such a situation forces some families to find alternate housing while also having to maintain the mortgages on their homes that are uninhabitable. In these difficult economic times, tremendous strain is being placed on limited family finances to constantly replace or make repairs to essential home appliances or to pay for other housing options while maintaining that mortgage on an uninhabitable home with Chinese drywall. These families have been and are in desperate need of assistance.

This bill seeks to provide assistance to homeowners who have contaminated drywall in their homes and to prevent contaminated drywall from entering the country in the future.

Our bill will assist homeowners who are victims of this problematic Chinese drywall by urging the Secretary of Commerce to insist that the Chinese Government facilitate a meeting between the companies that manufacture the contaminated drywall and the representatives of the U.S. Government to help remedy homeowners who have the contaminated drywall in their homes. In addition, the bill urges the Secretary of Commerce to insist that the Chinese Government direct the companies that manufactured this contaminated drywall and exported it to this country to submit to the jurisdiction of the United States Federal courts and to comply with any decisions issued by those courts on behalf of the homeowners with this contaminated drywall.

The bill will ensure that similar problematic drywall is not imported into this country in the future. It would require that each sheet of drywall that is imported for use in the U.S. be labeled with the name of the manufacturer and the month and year of manufacture. In addition, the bill requires that the Consumer Product Safety Commission ensure that future drywall manufactured or imported for use in the U.S. contain sulfur limits that do not cause elevated rates of corrosion in the home. The bill also requires the CPSC to revise their remediation guidance for homes with contaminated drywall to include a provision that contaminated drywall removed from homes should not be used in the production of new drywall.

This bill is a product of bipartisan negotiations, and it demonstrates how this House works best when both sides work together to get something done for the American people.

I really do want to express my sincere appreciation to my cochair of the Congressional Contaminated Drywall Caucus, Congressman RIGELL, for all of his hard work and leadership on this issue.

I also want to thank the Energy and Commerce Committee, particularly Chairman UPTON and Chairwoman BONO MACK, for their help as well as the help of Ranking Member WAXMAN and of the ranking member on the subcommittee, Congressman BUTTERFIELD.

I would also like to thank Congresswoman and Chair ILEANA ROS-LEHTINEN from the Foreign Affairs Committee for all of her hard work, together with that of Ranking Member BERMAN, in the commitment to finding a compromise to permit this bill to move forward.

Finally, I would like to recognize my friend Congressman MARIO DIAZ-BALART for his tireless work on this issue from the time the first reports of contaminated drywall surfaced and for providing much-needed assistance to those victims of contaminated Chinese drywall.

For all of these reasons and for all of the people who have been affected, I urge my colleagues this evening to support the passage of H.R. 4212.

I yield back the balance of my time.

Mrs. BONO MACK. As I have no further requests for time, in closing I just want to make one very important point here—and I think it's a great point to make right now—which is that Republicans and Democrats are united on this very important health and safety issue. ''Made in China'' is stamped on everything from kids' toys to consumer electronics, so let's just make sure it is stamped on our drywall, too. Let's also make sure that this is a safe product, that it's environmentally friendly, and that someone stands behind it.

I applaud Mr. RIGELL for his hard work, and I thank Mr. DEUTCH very much for bringing it to our attention and for working with our committee. I, too, thank the staffs of the subcommittee and the full committee for all of their hard work over these past many days.

With that, Mr. Speaker, I am going to ask that my colleagues support H.R. 4212, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOHMERT). The question is on the motion offered by the gentlewoman from California (Mrs. BONO MACK) that the House suspend the rules and pass the bill, H.R. 4212, as amended.

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

The title was amended so as to read: ''A bill to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 2050

FDA USER FEE CORRECTIONS ACT OF 2012

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 6433) to make corrections with respect to Food and Drug Administration user fees, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6433

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 ''FDA User Fee Corrections Act of 2012''.

SEC. 2. CORRECTIONS TO FDA USER FEES.

(a) Section 502(aa) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(aa)) is amended by striking ''744A(a)(4)'' and inserting ''744B(a)(4)''.

(b) Subchapter C of title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended—

(1) in section 738(i)(2)(A)(ii), by striking ''shall only be available'' and inserting ''shall be available'';

(2) in sections 744B(a)(2)(E)(ii)(II), 744B(a)(3)(C)(ii)(III), 744B(a)(4)(D)(i)(II), and 744B(a)(4)(D)(ii)(II), by inserting ''for such year'' after ''obligation of fees'' each place it appears; and

(3) in section 744B(i)(2)(C)—

(A) by inserting a comma after ''September 30, 2013''; and

(B) by striking the comma after ''for fiscal year 2013''.

(c)(1) Notwithstanding section 744B(a)(2)(E)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(a)(2)(E)(ii)), the fee authorized under section 744B(a)(2) of such Act for fiscal year 2013

shall be due 30 calendar days after publication of the notice provided for in section 744B(a)(2)(C)(i) of such Act.

(2) Notwithstanding section 744B(a)(3)(C)(ii) of such Act, the fee authorized under section 744B(a)(3) of such Act for fiscal year 2013 shall be due on the later of—

(A) the date of submission of the abbreviated new drug application or prior approval supplement for which such fee applies; or

(B) 30 calendar days after publication of the notice referred to in section 744B(a)(3)(B)(i) of such Act.

(3) Notwithstanding section 744B(a)(4)(D)(i) of such Act, the fee authorized under section 744B(a)(4) of such Act for fiscal year 2013 shall be due not later than 45 days after the publication of the notice under section 744B(a)(4)(C)(i) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

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 materials in the RECORD on this bill, H.R. 6433.

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

There was no objection.

NATIONAL PEDIATRIC RESEARCH NETWORK ACT OF 2012

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6163) to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6163

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 ''National Pediatric Research Network Act of 2012''.

SEC. 2. NATIONAL PEDIATRIC RESEARCH NETWORK.

Section 409D of the Public Health Service Act (42 U.S.C. 284h; relating to the Pediatric Research Initiative) is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

''(d) NATIONAL PEDIATRIC RESEARCH NETWORK.—

''(1) NETWORK.—In carrying out the Initiative, the Director of NIH, acting through the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with other appropriate national research institutes and national centers that carry out activities involving pediatric research, may provide for the establishment of a National Pediatric Research Network consisting of the pediatric research consortia receiving awards under paragraph (2).

''(2) PEDIATRIC RESEARCH CONSORTIA.—

''(A) IN GENERAL.—The Director of the Institute may award funding, including through grants and contracts, to public or private nonprofit entities—

''(i) for planning, establishing, or strengthening pediatric research consortia; and

''(ii) for providing basic operating support for such consortia, including with respect to—

''(I) basic, clinical, behavioral, or translational research to meet unmet needs for pediatric research; and

''(II) training researchers in pediatric research techniques.

''(B) RESEARCH.—The Director of NIH shall ensure that—

''(i) each consortium receiving an award under subparagraph (A) conducts or supports at least one category of research described in subparagraph (A)(ii)(I) and collectively such consortia conduct or support all such categories of research; and

''(ii) one or more such consortia provide training described in subparagraph (A)(ii)(II).

''(C) NUMBER OF CONSORTIA.—The Director of NIH may make awards under this paragraph for not more than 20 pediatric research consortia.

''(D) ORGANIZATION OF CONSORTIUM.—Each consortium receiving an award under subparagraph (A) shall—

''(i) be formed from a collaboration of cooperating institutions;

''(ii) be coordinated by a lead institution; and

''(iii) meet such requirements as may be prescribed by the Director of NIH.

''(E) SUPPLEMENT, NOT SUPPLANT.—Any support received by a consortium under subparagraph (A) shall be used to supplement, and not supplant, other public or private support for activities authorized to be supported under this paragraph.

''(F) DURATION OF SUPPORT.—Support of a consortium under subparagraph (A) may be for a period of not to exceed 5 years. Such period may be extended by the Director of NIH for additional periods of not more than 5 years.

''(3) COORDINATION OF CONSORTIA ACTIVITIES.—The Director of NIH shall—

''(A) as appropriate, provide for the coordination of activities (including the exchange of information and regular communication) among the consortia established pursuant to paragraph (2); and

''(B) require the periodic preparation and submission to the Director of reports on the activities of each such consortium.

''(e) RESEARCH ON PEDIATRIC RARE DISEASES OR CONDITIONS.—

''(1) IN GENERAL.—In making awards under subsection (d)(2) for pediatric research consortia, the Director of NIH shall ensure that an appropriate number of such awards are awarded to such consortia that agree to—

''(A) focus primarily on pediatric rare diseases or conditions (including any such diseases or conditions that are genetic disorders (such as spinal muscular atrophy and Duchenne muscular dystrophy) or are related to birth defects (such as Down syndrome and fragile X));

''(B) conduct or coordinate one or more multisite clinical trials of therapies for, or approaches to, the prevention, diagnosis, or treatment of one or more pediatric rare diseases or conditions; and

''(C) rapidly and efficiently disseminate scientific findings resulting from such trials.

''(2) DATA COORDINATING CENTER.—

''(A) ESTABLISHMENT.—In connection with support of consortia described in paragraph (1), the Director of NIH shall establish a data coordinating center for the following purposes:

''(i) To distribute the scientific findings referred to in paragraph (1)(C).

''(ii) To provide assistance in the design and conduct of collaborative research projects and the management, analysis, and storage of data associated with such projects.

''(iii) To organize and conduct multisite monitoring activities.

''(iv) To provide assistance to the Centers for Disease Control and Prevention in the establishment or expansion of patient registries and other surveillance systems.

''(B) REPORTING.—The Director of NIH shall—

''(i) require the data coordinating center established under subparagraph (A) to provide regular reports to the Director of NIH and the Commissioner of Food and Drugs on research conducted by consortia described in paragraph (1), including information on enrollment in clinical trials and the allocation of resources with respect to such research; and

''(ii) as appropriate, incorporate information reported under clause (i) into the Director's biennial reports under section 403.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this legislation brings us a step closer to providing more help to children with unmet health needs, especially those with rare pediatric and genetic diseases.

According to the National Institutes of Health, the NIH, there are 6,800 rare diseases, and most of these conditions have no treatment or cure, and they primarily affect children. I would guess that everyone in this Chamber is personally aware of the devastating impact of these diseases with some family that they know. I, myself, have spent some time with a family from my district whose children have spinal muscular atrophy, SMA. It is a very rare pediatric disease that is the leading genetic cause of death in infants and toddlers.

These are great kids. I've got a picture of one of them here. When they came to see me, they told me that their names were Cinderella and Sleeping Beauty. They really are. These are just really marvelous children. They're great kids, and it's a source of real sadness that their disease is the kind that is often incurable and often untreatable.

The barriers to research on rare and genetic diseases are those that are common to most research. It's already difficult to initiate the experimental and lengthy research needed to find treatments and cures; however, when the population of patients is so small, maybe only a couple dozen in a State, these problems are even more difficult to solve.

This legislation is going to help us establish pediatric research networks and a consortia that are a proven way to overcome those gaps in research. Networks and consortia will be comprised of leading institutions that act

as partners to consolidate and coordinate research efforts. It promotes efficiency and collaboration, especially when a disease affects just a small number of children.

Mr. Speaker, I would urge all my colleagues to support this bipartisan legislation. I look forward to a strong vote tonight and working with our colleagues in the Senate to make sure that this bill really does get to the President's desk and makes a difference for families that are in search of something that will help them with their kids.

With that, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in the health care profession, we know that children aren't just little adults. They have unique health experiences, treatment needs, and research challenges.

While public and private research has come a long way on pediatric diseases over the years, we also know that we are still far behind on important diagnostics, cures, and treatments for far too many ailing children. That's why I am so pleased to have coauthored the National Pediatric Research Network Act with my colleague and friend, Representative CATHY MCMORRIS RODGERS.

This bipartisan bill would improve research and clinical trials on pediatric diseases. It would train future pediatric researchers and disseminate research findings so quickly so that all children may benefit. It does not replace our current pediatric research investments. Instead, it builds upon the work already being done at the NIH and at research centers across the country by creating, as Chairman UPTON said, research consortia to form a nationwide network of pediatric researchers. This is important so that we can make sure that we're always working with the most current science and that information is shared and also verified.

It will expand the geographic scope of research, giving sick kids easier access to research programs and clinical trials. Moreover, this bill will help a wider variety of institutions participating in this critical research while providing training grounds for our next generation of pediatric researchers.

Another key feature to this bill is that it will place an added emphasis on researching children's rare diseases, such as the one already described, spinal muscular atrophy, and to develop new treatments to fight them.

The low prevalence of these diseases makes them particularly hard to research, yet these diseases have such a marked impact on the lives of far too many families and communities. The National Pediatric Research Network Act will be an important step forward to help these families and those who may develop these diseases long into the future.

I want to thank again the leadership of the Energy and Commerce Committee, Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, and Ranking Member PALLONE, for their dedication to this bill; and to the staff, my staff, and especially Ruth Katz, a committee staffer, working to improve the language and to bring this to the floor. I also include my colleague, Congresswoman DEGETTE, for her leadership on this issue over the years.

And just like Chairman UPTON, I would especially like to thank my constituents, dear friends, and a very remarkable family, Bill and Victoria Strong, who are the parents, for their tireless work on behalf of their own daughter, Gwendolyn, who has spinal muscular atrophy as well and just a few weeks ago celebrated an amazing achievement by entering public kindergarten at the age of 5. She's the favorite of all her classmates, and the parents are beside themselves with joy that this remarkable milestone has been achieved. They work day in and day out to make their daughter's world better, and in doing so they have created a very strong community within our larger community of people who care about Gwendolyn, but also care about other children with similar kinds of conditions and what we should be doing as a Nation to stand with them. They have shown how entire communities can come together to fight diseases like SMA.

I urge my colleagues to follow their example. We need to come together now to support this bill, and in doing so we support families like those in Michigan and in Santa Barbara, California, and other places, as well, to do all we can do to make this a law and give them hope and courage for the future.

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

Mr. UPTON. Mr. Speaker, I yield myself 30 seconds.

I just want to again thank Mrs. CAPPS. As we met these families, we really did not know about these diseases until we saw their courage and what they do as they confront this every day. It's marvelous for me, as I now have visited my family that has this disease 2 years in a row. It's great to see them grow and remember where they were and to really think that there's going to be hope with the legislation that we can see that is done.

With that, I yield 5 minutes to the gentlelady from Washington State, CATHY MCMORRIS RODGERS, who has also been, as we look at a bipartisan leadership, a real trooper to move this legislation not only through our committee, but now on the House floor.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I thank the chairman. I thank my colleague and friend, Representative LOIS CAPPS, and rise today in strong support of this legislation, H.R. 6163, the National Pediatric Research Network Act, which is going to build on America's commitment to pediatric medical research.

That commitment has already led to the prevention and treatment of terrible conditions such as polio, meningitis, childhood leukemia, congenital heart disease. With budgets being squeezed like no time in recent memory, it has never been more important to support projects which leverage every single dollar.

Research networks have a proven track record in their ability to ensure collaboration and the sharing of resources which, in turn, have led to medical discoveries that have improved lives.

□ 2100

For example, the National Cancer Institute-funded Children's Oncology Group has advanced our understanding and treatment of childhood cancers, and this group has resulted in a cure for some types of childhood leukemia. The Pediatric Heart Network has improved the outcome for children born with congenital heart disease.

I am proud to have introduced this legislation with my colleague, Representative CAPPS. This legislation is going to authorize NIH to establish up to 20 pediatric research networks across this country, and each network will be selected by NIH through a competitive review process. These networks will allow multiple institutions to work together in a ''hub and spoke'' fashion to encourage collaboration.

Some of those networks will focus on rare diseases such as spinal muscular atrophy. Other networks will focus on the genetic diseases that have their onset in childhood, including Fragile X and Down Syndrome.

It's important to develop a framework for these rare and genetic diseases for a number of reasons. First of all, researchers in these areas are often working in isolation, and this legislation is going to help overcome that barrier. Secondly, there are not many children with these disorders in one place, so it makes it difficult to connect the researchers to those that want to participate in the studies.

Finally, the study of these rare and genetic diseases may lead to treatments that will help many people. For example, we've learned that there is a specific biological link between Down Syndrome and Alzheimer's disease. It's conceivable that the research that can result in the improvement in cognition in Down Syndrome could also prevent the loss of cognition that is seen in Alzheimer's.

These pediatric networks will improve health outcomes for children and adults by encouraging teamwork among the researchers, the patients, and NIH. This is important and positive legislation. I'm proud to support it, and I urge my colleagues to support it.

Mrs. CAPPS. In closing, Mr. Speaker, the National Pediatric Research Network Act is a very important bill, not just for current and future researchers, but for sick children and their families, today and in the future. It's a bipartisan measure that will really leverage

all the good work that is currently being done on pediatric diseases but that will also fill gaps that make it so hard for progress to be made.

I urge full support for this bill, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman of the Health Subcommittee, the gentleman from Pennsylvania, JOE PITTS, in support of the legislation.

Mr. PITTS. Mr. Speaker, H.R. 6163, the National Pediatric Research Network Act, seeks to address important unmet needs in pediatric health.

Pediatric research is so important to the health of our children, and it is essential to finding answers for unmet health needs. According to the National Institutes for Health, there are between 6,000 and 7,000 diseases considered rare that affect 25 to 30 million people. Most of the approximately 7,000 rare diseases are pediatric diseases and often genetic. Unfortunately, the doctors do not have sufficient therapies to treat them.

This bill seeks to alleviate that problem by establishing pediatric research networks and consortia. They will help by coordinating research efforts among participating institutions, concentrating that effort on the most pressing needs and enlisting the help of well-trained researchers.

Through my association with Children's Hospital of Philadelphia, I'm aware that there are too many diseases that children and their families face that do not have easy answers, and few adequate treatments. This bill will strengthen basic and clinical research and bring us closer to finding new treatments and cures.

Mr. Speaker, this bill has strong bipartisan support. I urge my colleagues to support the bill.

Mr. UPTON. Mr. Speaker, in closing, I know the hour is late. I would just urge my colleagues to support this bipartisan legislation. I, too, commend every Member that's had a role here and truly appreciate the staff to get this bill prepared and ready for us to vote on tonight.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to rise in support of H.R. 6163, the National Pediatric Research Network Act of 2012.

H.R. 6163 represents a bi-partisan effort to allow the National Institutes of Health, NIH, to establish a national pediatric research network dedicated to finding treatments and cures for pediatric diseases and conditions—especially those that are rare. The network would be comprised of up to 20 research consortia or groups of collaborating research institutions such as universities and hospitals. These consortia would be investigator-initiated and would conduct basic, clinical, behavioral, and translational research on pediatric diseases and conditions. NIH funding would be used to create the infrastructure necessary to carry out this research.

Within the network, the NIH Director is instructed to ensure that an appropriate number of awards go to those consortia that focus primarily on pediatric rare diseases such as spinal muscular atrophy—or SMA—or pediatric birth defects such as Down syndrome. These kinds of diseases and conditions are rare and some of the children who suffer from them are very fragile, making it difficult for them to travel great distances to participate in clinical trials or other research. This is often the case when—not infrequently—only one institution is conducting such research. The availability of consortia—by definition, multiple cooperating institutions—should make clinical research opportunities far more accessible to these kids and their families. In turn, we would hope they would help speed up the time and effort in finding treatments and cures for these devastating diseases and conditions.

In addition to the research itself, the consortia are expected to serve as training grounds for future pediatric researchers. Traditionally, pediatric research has been underfunded. This has sometimes resulted in real challenges in recruiting the talent necessary to tackle diseases and conditions that affect kids—again, especially those that are rare. Thus, H.R. 6163 places a special emphasis on pediatric research techniques with the goal of helping to ''prime the pump'' for a greater number of leading edge pediatric researchers.

Taken together, the components of H.R. 6163 make for a package that would allow NIH to build on the strong body of pediatric research that it currently conducts and supports. I would encourage NIH to take full advantage of this opportunity.

As we move forward with this legislation—here, and hopefully, in the Senate—I want to commend all those members of the Energy and Commerce Committee who have come together to make it happen. I especially want to the note the effort of Congresswoman CAPPS. She is the lead Democratic sponsor of the bill and has worked tirelessly to bring it before us today.

I urge my colleagues to vote ''yes'' on H.R. 6163.

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, H.R. 6163, 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.

TAKING ESSENTIAL STEPS FOR TESTING ACT OF 2012

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6118) to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6118

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 ''Taking Essential Steps for Testing Act of 2012''.

SEC. 2. SUSPENSION, REVOCATION, AND LIMITATION OF LABORATORY CERTIFICATION.

Section 353 of the Public Health Service Act (42 U.S.C. 263a) is amended—

(1) in subsection (d)(1)(E), by inserting '', except that no proficiency testing sample shall be referred to another laboratory for analysis as prohibited under subsection (i)(4)'' before the period at the end; and

(2) in subsection (i)—

(A) in paragraph (3), by inserting before the period at the end of the first sentence the following: '', except that if the revocation occurs pursuant to paragraph (4) the Secretary may substitute intermediate sanctions under subsection (h) instead of the 2-year prohibition against ownership or operation which would otherwise apply under this paragraph''; and

(B) in paragraph (4), by striking ''shall'' the first place it appears and inserting ''may''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. 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 materials into the RECORD on H.R. 6118.

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

There was no objection.

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

Mr. Speaker, I rise today to support H.R. 6118, the Taking Essential Steps for Testing Act of 2012.

H.R. 6118 would give the Centers for Medicare and Medicaid Services much needed regulatory flexibility to enforce prohibitions against improper referrals of proficiency testing under the clinical laboratory improvement amendments.

In order to operate as a business, laboratories must adhere to CMS procedures for processing samples, must share testing results with CMS periodically and are prohibited from intentionally referring testing samples to any other lab.

Currently the Centers for Medicare and Medicaid Services is required under statute to revoke the CLIA certificate of any laboratory that intentionally refers its proficiency testing samples to another laboratory for testing for a period of 1 year.

In addition, the statute requires that a person who has owned or operated a laboratory which has had its CLIA certification revoked, including those owning multiple labs, may not own or operate a laboratory for a period of 2 years following such revocation.

However, there have been instances where a hospital or independent laboratory has accidently referred a PT sample to another lab due to mistakes by employees or through automated systems. In such instances CMS is not allowed by law to consider the circumstances under which the test was accidently referred or if the lab acted in good faith to report and address the incident.

H.R. 6118 would address these issues by amending section 353 of the Public Health Service Act to allow the Secretary discretion to determine whether the 1-year ban on laboratories should be applied and the flexibility to levy immediate sanctions instead of the 2-year prohibition against ownership or operation of the lab.

The legislation enjoys bipartisan support among this body as well as numerous organizations, including the American Clinical Laboratory Association, the American Hospital Association, the College of American Pathologists, and the Clinical Laboratory Management Association, among others.

I would like to thank Congressman GRIMM and Congressman ROSKAM for their work on this legislation, and I urge Members to support the bill.

I reserve the balance of my time.

□ 2110

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Taking Essential Steps for Testing Act is a bipartisan, sensible bill which will provide the Centers for Medicare and Medicaid Services the flexibility it needs in imposing penalties on clinical laboratories that violate certain recertification procedures. While not commonly discussed, the Clinical Laboratory Improvement Amendments of 1988, or CLIA, is an important law that ensures all labs operating in the United States can be trusted. Under CLIA, all labs must be certified to prove they are qualified to perform clinical tests while meeting quality and safety standards. We can all agree this is a good thing.

Labs are periodically retested to keep their CLIA certification. To do this, labs are required to perform proficiency tests which measure the quality and competency of a lab's work. Unlike some tests that come to a lab that can be sent out to other labs, proficiency tests must be performed in-house. Currently, if a lab is found to have referred a proficiency test to another lab, the Secretary of HHS must revoke that lab's certificate for at least 1 year. This prevents it from participating in Medicare or Medicaid for that period. In addition, the operator of any lab that has had its certificate revoked is barred from owning or operating any certified labs for 2 years.

However, current law does not allow the Secretary any flexibility in imposing these penalties for labs that improperly refer proficiency tests—even when it's an unintentional referral. This has led to labs that are being shut down across the country, potentially affecting patient care and access, even when their actions are not worthy of such a sanction. This is especially pronounced when the sanction occurs on just one lab that is part of a larger health care system, as the penalties apply to the entire system, even if all the other labs happen to be in compliance.

So this legislation would help address these problems by allowing CMS the flexibility to institute lesser sanctions to really address the problem instead of penalizing an entire system for unintentional proficiency test referrals. The bill does so without changing the accountability within the law or making our labs less reliable. And CMS still will be required and able to hold so-called ''bad actors'' accountable.

This bill is a very commonsense reform to CLIA, and I'm pleased to support it. I urge my colleagues to do so as well.

I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, at this time I yield 4 minutes to the gentleman from New York (Mr. GRIMM).

Mr. GRIMM. Thank you for yielding me time.

Today, I rise in strong support of this legislation, H.R. 6118, the Taking Essential Steps for Testing Act. I would like to thank Chairman UPTON for his leadership, Ranking Member WAXMAN, as well as the Health Subcommittee and their entire staff for their support and dedication to this important bill.

The TEST Act is a bipartisan and bicameral solution to an issue that threatens Americans' access to health care. Under the Clinical Laboratory Improvement Amendments, CLIA, any lab that conducts human specimen testing must have a CLIA certificate and comply with the law's proficient testing, or PT, requirements. CLIA requires labs to treat PT samples as it would a patient sample. However, the law explicitly prohibits a lab from referring a PT sample to another laboratory, although this may be normal for patient procedures. The purpose of this prohibition is to ensure labs submit their own results for PT samples. I believe that this does clearly promote continued patient safety, accurate results, and that a lab is not getting reimbursed for tests it does not or cannot perform.

The concern is that labs which have accidentally referred a PT sample to another lab and self-reported this mistake are being told by CMS that CLIA does not provide any flexibility and therefore their certificates must be revoked. As a result, labs that make a mistake and proactively try to correct it are treated identically to labs that knowingly and in bad faith violate the law.

Without a CLIA certificate, as we have heard, labs are unable to conduct any human specimen testing. For hospitals, this could mean choosing between shutting down essentially all services such as the ER and the operating room or paying millions of dollars to bring in an outside lab for 2 years. Both of these options result in reduced access to health care and other related services for patients.

The TEST Act gives CMS discretion to not revoke a CLIA certificate for a PT referral if it is determined that the lab was acting in good faith. And for labs which are bad actors, the TEST Act does nothing to alter CMS's ability to punish those labs and revoke their certificate. H.R. 6118 also gives CMS the discretion to not apply the revocation to an entire hospital network or other owner-operators based on the facts of a particular case.

In determining whether or not to revoke a CLIA certificate, I urge CMS to consider factors such as the nature of the violation, the lab's history of compliance and past PT experience, whether or not the lab voluntarily reported the referral, any remedial actions taken by the lab, and any recommendations made by the State or applicable accrediting organization.

I would like to end by saying thank you to all of my colleagues that helped support this legislation and urge all my colleagues to vote in favor of H.R. 6118. It's commonsense legislation that ultimately puts patients first.

Mrs. CAPPS. May I ask the chairman if he has any other speakers?

Mr. PITTS. We have no further speakers.

Mrs. CAPPS. Mr. Speaker, in closing, the Taking Essential Steps for Testing Act is a straightforward bill with bipartisan support. It will give CMS tools to effectively deal with labs that unintentionally refer out their proficiency tests, maintain sanctions for labs that intentionally flaunt the law, and ensure that certified clinical labs are there for us when we need them.

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

Mr. PITTS. Mr. Speaker, I urge support for this commonsense, bipartisan bill, H.R. 6118, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased that we are taking up H.R. 6118, a bipartisan, non-controversial bill that will provide the Centers for Medicare & Medicaid Services (CMS) with additional flexibility in imposing and enforcing penalties on clinical laboratories under the Public Health Service Act.

The Committee on Energy and Commerce has a long history of being vigilant with respect to quality and safety standards for clinical laboratories. In fact, the Public Health Service Act standards for labs originated in this Committee when JOHN DINGELL, Ed Madigan, RON WYDEN and I sponsored the legislation in the 1980's.

All laboratories in the United States must be certified and meet certain quality and safety standards. To maintain certification, laboratories must periodically perform proficiency tests, which measure the quality of a lab's work. These proficiency tests must be performed in-house—as the test is intended to measure that specific lab's quality and competency.

If a lab is found to have intentionally referred a proficiency testing sample to another laboratory, the Secretary of HHS must revoke that lab's CLIA certificate for at least 1 year (thereby preventing it from billing Medicare or Medicaid for that period). In addition, the owner or operator of any lab that has had its CLIA certificate revoked is barred from owning or operating any CLIA-certified laboratory for 2 years.

Current law does not allow the Secretary any flexibility in imposing these penalties for

labs that improperly refer proficiency tests—even for an unintentional referral.

Equally importantly, there have been a number of changes in the organization and delivery of health care since these penalties provisions were enacted. In particular—the growth of health systems that have many providers joining together to operate under the same umbrella. In the case of laboratories, one hospital system may own and operate a number of labs. If one lab is found to have a proficiency testing violation, all of the labs under the hospital's system would be barred from Medicare—even if those labs had no quality or proficiency testing issues.

This is not a sensible result. This legislation would address that problem.

First, H.R. 6118 ensures the statute is clear on the point that no proficiency testing sample may be referred to another laboratory even if such referral would be part of the testing lab's standard procedure for patient specimens (a point of existing law on which some providers have been confused).

Second, it grants the Secretary discretion in determining whether to revoke a lab's CLIA certificate for improper referrals of PT testing samples—to account for the case of unintentional error.

Finally, the bill would grant the Secretary discretion to apply alternate sanctions in lieu of the 2-year owner/operator ban if a CLIA certificate has been revoked due to an improper proficiency testing referral, correcting the problem of having to ban all labs in a health system, even if the others had no known problems.

The Taking Essential Steps for Testing Act would address that issue, striking a balance to ensure quality protections remain, yet giving the Secretary the flexibility to more appropriately tailor penalties for violations of the law. I'm pleased to support this bill today.

Mr. UPTON. Mr. Speaker, H.R. 6118, the Taking Essential Steps for Testing (TEST) Act of 2012, is an important measure that grants CMS the necessary flexibility to enforce its rules without unnecessarily punishing employers for unintentional acts.

Under current law, laboratories must adhere to CMS procedures for processing testing samples in order to do business under the Clinical Laboratory Improvement Amendments (CLIA) law. In addition, they are prohibited from intentionally referring testing samples to other labs.

Unfortunately, CMS is not allowed to look at the circumstances under which labs refer samples, and must levy the same penalties for those operating in good faith as those knowingly and willfully breaking the law. These penalties include the loss of a lab's certification for a year and a prohibition against the owner operating any lab for a period of two years.

In instances where a hospital or independent laboratory has accidentally referred a sample due to mistakes by employees or through automated systems, these penalties can be needlessly harsh and threaten the livelihood of American workers. H.R. 6118 would address these issues by allowing the Secretary discretion when determining penalties.

The legislation has received bipartisan support among this body as well as numerous organizations. I would like to commend Congressmen GRIMM and ROSKAM for their work and urge Members to support its passage.

Mr. ROSKAM. Mr. Speaker, I rise today to express my support for H.R. 6118, the ''Taking Essential Steps for Testing Act of 2012'' or TEST Act. This legislation will give the Centers for Medicare and Medicaid (CMS) greater leeway when dealing with hospitals and laboratories across the nation.

Last year I was contacted by a hospital in my Congressional District who informed me that they had unintentionally referred a proficiency test to an outside lab because the lab technician was following patient procedure. They informed me that because of this error they would be forced to potentially close the lab and essentially fire the lab director. Upon further investigation, I was troubled to learn that the same problem was occurring across the country because CMS lacked the authority to handle these cases in any other fashion.

This is why I was happy to work with my good friend from New York, Mr. GRIMM, and Mr. ROSS from Arkansas, as well as Senators BOOZMAN, KLOBUCHAR, and SHAHEEN, to come up with a simple, commonsense solution to the problem. While working with CMS and our friends across the aisle, we were able to demonstrate that this institution is still capable of recognizing problems and pursuing solutions for the people we represent back home.

It is my hope that the Senate will quickly take up this legislation and send it to the President for signature so we can help provide regulatory relief to our nation's hospitals and labs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 6118.

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

A motion to reconsider was laid on the table.

VETERAN EMERGENCY MEDICAL TECHNICIAN SUPPORT ACT OF 2012

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4124) to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4124

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 ''Veteran Emergency Medical Technician Support Act of 2012''.

SEC. 2. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN EMERGENCY MEDICAL TECHNICIANS.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

''SEC. 315. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO MEET REQUIREMENTS FOR BECOMING CIVILIAN EMERGENCY MEDICAL TECHNICIANS.

''(a) PROGRAM.—The Secretary shall establish a program consisting of awarding demonstration grants to States to streamline State requirements and procedures in order to assist veterans who completed military emergency medical technician training while serving in the Armed Forces of the United States to meet certification, licensure, and other requirements applicable to becoming an emergency medical technician in the State.

''(b) USE OF FUNDS.—Amounts received as a demonstration grant under this section shall be used to prepare and implement a plan to streamline State requirements and procedures as described in subsection (a), including by—

''(1) determining the extent to which the requirements for the education, training, and skill level of emergency medical technicians in the State are equivalent to requirements for the education, training, and skill level of military emergency medical technicians; and

''(2) identifying methods, such as waivers, for military emergency medical technicians to forego or meet any such equivalent State requirements.

''(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall demonstrate that the State has a shortage of emergency medical technicians.

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

''(e) FUNDING.—Of the amount authorized by section 751(j)(1) to be appropriated to carry out section 751 for fiscal year 2013, there is authorized to be appropriated to carry out this section $1,000,000 for the period of fiscal years 2013 through 2017.''.

(b) CONFORMING AMENDMENT.—Section 751(j)(1) of the Public Health Service Act (42 U.S.C. 294a(j)(1)) is amended by striking ''There is authorized to be appropriated'' and inserting ''Subject to section 315(e), there is authorized to be appropriated''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. 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 materials in the RECORD on H.R. 4124.

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

There was no objection.

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

Mr. Speaker, I rise this evening in support of H.R. 4124, the Veteran Emergency Medical Technician Support Act of 2012. This act would take us forward

in two important ways: it would reduce the shortages of emergency medical technicians in the United States and at the same time help our veterans find employment.

Emergency response is a crucial component of our health care system and preparedness strategy. EMTs are often the first point of contact in a crisis situation, and their care can make the difference between life and death. Emergency response is even more crucial on the battlefield, where military medics respond to emergencies and provide care for the soldiers until a physician or other health professional can take over. These soldiers, trained as combat medics, become very experienced dealing with massive trauma injuries and other complex health problems.

□ 2120

It seems that utilizing those with military medic training in our EMT workforce here at home would be good for the returning soldiers, good for the health care system, and good for patients.

Areas throughout the United States are experiencing a shortage of EMTs, and military medics could potentially fill those workforce gaps. However, there are a number of issues keeping military medics from EMT employment. Most importantly are State licensing requirements, which can require duplicative training and education that is likely to be unnecessary for someone with significant experience.

It is our hope that this bill would allow States to study this issue and streamline their EMT requirements for those returning from the military that have the experience so desperately needed in many communities.

I would like to thank Mr. KINZINGER, a veteran who has served with many of these military medics, and Mrs. CAPPS for their work on this bill. I urge my colleagues to vote in support of this legislation.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, our military men and women are trained to perform at the highest levels in a host of jobs. The individuals who serve our Nation in uniform do so with distinction.

However, there is much more to be done to help our service men and women and their families when they return home to translate those skills and experiences into civilian service. That disconnect is what we are trying to address here today.

Our military men and women receive some of the best technical training in emergency medicine, and every day, on the battlefield, they prove their skills under the very toughest of conditions. However, when they return home, experienced military medics are often required to start over. They must begin at entry-level curricula to receive certification for civilian jobs.

Similarly, military medics with civilian credentials often must let their civilian certifications lapse while they're defending our country. Either way, this keeps our veterans out of the civilian workforce and withholds valuable medical personnel from our communities.

As a nurse, I know the importance of having qualified and capable first responders in each of our communities, and that is why we must do all we can to break down the artificial barriers that obstruct our military medics from civilian opportunities.

So I am pleased to have joined Congressman KINZINGER to introduce H.R. 4124, which is the Veteran Emergency Medical Technician Support Act. This bill is a straightforward, bipartisan approach to help States streamline their certification processes to take military medic training into account for civilian licensure.

It's a small but very important step towards breaking down the barriers that our servicemembers face when transitioning home.

While the bill directs States to undertake these demonstration projects, I believe public and private organizations within the States, like area health education centers, or AHECs, will be important partners in the successful implementation of this initiative. This will help engage and leverage expertise already in our States and communities so that we can do our best by our veterans.

I also want to take a moment to thank the leadership of the Energy and Commerce Committee, Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, and Ranking Member PALLONE for their dedication to this bill and to the staff for working in a bipartisan manner to bring this to the floor.

Finally, I want to take a second to recognize a former congresswoman, Jane Harman, who spearheaded this issue in the last Congress.

I urge my colleagues' support for this legislation, and I look forward to swift consideration of it in the Senate.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I would like to yield at this time 5 minutes to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, I want to first off thank the chairman for bringing this bill forward. I want to thank Chairman UPTON, the ranking member of both the full and subcommittee, and I especially want to thank Congresswoman CAPPS for helping me on this. This is an outstanding bill, and I thank you for your leadership.

Unemployment rates continue to be far too high among our men and women who are returning from Iraq and Afghanistan. Returning veterans deserve a smooth transition from the military into the civilian workforce. As a Nation, we must recognize the experience and education that our military-trained EMTs receive. It's inefficient to force these well-trained veterans to start over with basic training in the civilian workforce after aiding wounded military men and women who are severely injured in combat.

We must recognize military-trained EMT skills and education and streamline the process so these honorable men and women can return quickly to work here at home.

We also need to recognize that training and education of these EMTs and the education that they receive in the military is important, and we must streamline the civilian certification process so these honorable men and women can return to work even faster.

I'm a pilot in the military, and I still continue as an Air National Guard pilot. One of the things that really stood out to me was how I went through training with the military and came out and very quickly was able to receive all of the civilian equivalent certifications from what I got in the military.

Now, that really stands out to me as how we, both in the Federal Government and in the State, ought to consider doing business and recognize the skill that these military folks are trained with.

This bill is a commonsense way to help our veterans as they transition back to civilian life. By supporting States to make the process more efficient, veterans with military EMT training will more quickly become certified civilian EMTs. In doing so, they will not have to start over at square one in their training, and they can be ready to go.

I urge my colleagues to support this commonsense bill.

Mrs. CAPPS. In closing, Mr. Speaker, I also wish to thank my colleague, Mr. KINZINGER, for his leadership and his experience in the military, which led him to be very interested in this topic as well.

The Veteran Emergency Medical Technician Support Act is a small but very important step toward helping our military medics transition to civilian EMT service, and it is a bipartisan measure. It fills a need both in the veterans' community and also in our health care communities.

I urge full support for this bill, and I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, as a veteran I appreciate the efforts of Mr. KINZINGER and Mrs. CAPPS and others in this commonsense and very bipartisan bill to support our veterans and provide for this need in the emergency medical technician area.

I urge support for the bill, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, each of us is deeply indebted to the members of our military for their patriotism and for all they do to protect our country and its national interests.

We know that our returning vets have unique skills and experiences that make them highly-qualified for jobs in the health care and

other sectors. However, the unfortunate reality is that our veterans experience unemployment rates well above the national average.

Congresswoman CAPPS and Congressman KINZINGER have introduced common-sense legislation—H.R. 4124—to advance our shared goals of getting our veterans back to work and addressing areas of shortage in health professions. Congresswoman CAPPS has also authored legislation—H.R. 3884, the Emergency Medic Transition Act of 2012—that similarly seeks to help armed services personnel transition from military to civilian jobs in a timely fashion.

H.R. 4124 authorizes a demonstration grant program to states to support planning efforts to streamline their certification and licensure requirements for emergency medical technicians. As Congresswoman CAPPS has noted, I think there is a role for partnerships between public and private organizations within the States—such as area health education centers—in the implementation of this program.

I urge my colleagues to support H.R. 4124, and I commend Congresswoman CAPPS and Congressman KINZINGER for their work on this legislation.

Mr. UPTON. Mr. Speaker, H.R. 4124, the Veteran Emergency Medical Technician Support Act of 2012, provides two important benefits. It addresses the shortages of emergency medical technicians (EMT) and it helps get our veterans back to work.

Military medics receive some of the best medical and emergency training available while they serve our country.

Yet, not all military medical training satisfies civilian EMT licensing and certification requirements. As a result, our returning veterans are unnecessarily prevented from working as an EMT when they re-enter civilian life.

This bill will examine ways that states with a shortage of EMTs can streamline requirements so that military medics do not have to duplicate the education and training they received on the battlefield. Our vets will be put back to work, and critical workforce shortages in emergency care can be filled to meet public health needs.

I proudly support this bill and urge my colleagues to support it. I yield the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 4124, 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.

RECALCITRANT CANCER RESEARCH ACT OF 2012

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 733) to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 733

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 ''Recalcitrant Cancer Research Act of 2012''.

SEC. 2. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

''(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

''(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

''(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

''(A) CURRENT STATUS.—

''(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

''(I) the prevention, diagnosis, and treatment of such cancer;

''(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

''(III) the epidemiology of such cancer.

''(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

''(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

''(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

''(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

''(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

''(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

''(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

''(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

''(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

''(3) TIMING.—

''(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

''(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

''(ii) review and update the scientific framework not later than 5 years after its initial development.

''(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

''(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

''(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

''(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

''(b) IDENTIFICATION OF RECALCITRANT CANCER.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

''(A) have a 5-year relative survival rate of less than 20 percent; and

''(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

''(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

''(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

''(d) REPORTING.—

''(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

''(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

''(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

''(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

''(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

''(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall

consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

''(f) DEFINITION.—In this section, the term 'recalcitrant cancer' means a cancer for which the five-year relative survival rate is below 50 percent.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 733.

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

There was no objection.

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

Mr. Speaker, I rise today to support H.R. 733, the Recalcitrant Cancer Research Act of 2012.

This act will bring new hope to patients with cancers.

It is never easy to lose someone to cancer, but it is especially difficult when you are not even given a fighting chance.

Cancers with low survival rates and poor outcomes have baffled researchers for more than 40 years. These are recalcitrant cancers.

While survival rates for many cancers have climbed from 50 percent to 67 percent, there are still cancers that have yet to reach the 50 percent benchmark.

While there are various types of cancers that fall under this definition, nearly half of the 577,190 cancer deaths expected in 2012 will be caused by eight deadly cancers, including pancreatic and ovarian cancer.

□ 2130

This bill will direct the National Cancer Institute to establish a scientific framework for the study of recalcitrant cancers. Working groups will be appointed to prepare the framework that will include a review of current research and identification of key research questions and a summary of promising discoveries. The NIH would then be required to issue a report to Congress with recommendations on the effectiveness of the scientific framework model so that we can ensure that progress is being made and determine whether this type of model should be expanded to other types of diseases and conditions.

I urge my colleagues to vote in support of the legislation, and I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of my legislation, H.R. 733, which was originally named the Pancreatic Cancer Research and Education Act, which has now been renamed to be the Recalcitrant Cancer Research Act of 2012.

I first introduced this bill in the 110th Congress in honor of a very dear friend, Ambassador Richard Sklar, who was a victim of this devastating disease.

Pancreatic cancer is a disease from which very few people survive. It's essentially a death sentence. It's because of the families, their friends, neighbors, doctors, and coworkers who have advocated for much better research and treatments that we've made it to the finish line legislatively and that we are here this evening.

Sadly, the outcomes for those with pancreatic cancer have remained relatively unchanged since the passage of the National Cancer Act nearly 40 years ago. Only 6 percent of people diagnosed with the disease live longer than 5 years. Let me say that again. Only 6 percent of people diagnosed with pancreatic cancer live longer than 5 years; 75 percent die within a year of diagnosis. Pancreatic cancer remains one of the most lethal types of cancers, even as survival rates for other cancers have increased.

The Pancreatic Cancer Research and Education Act, which I introduced with my wonderful colleague, a real gentleman of the House, Representative LEONARD LANCE, directs the National Cancer Institute, the NCI, to develop a long-term strategic plan for addressing the disease, bringing together the finest minds in our country with the best expertise in this area. The plan will be used by the agency as a roadmap for navigating the best way forward in research for early detection, for new diagnostic tools, treatment therapies, and even cures.

While pancreatic cancer is one of the most devastating of all recalcitrant cancers, or those with a high mortality rate and few treatments, it's certainly not the only cancer that needs increased attention. That's why I've worked closely with my colleagues on both sides of the aisle to expand our legislation to include all recalcitrant cancers so that we can make progress in other areas, too.

I'm exceedingly proud to say that this bill enjoys the bipartisan cosponsorship of 293 Members of the United States House of Representatives. I want to thank Chairman UPTON, FRED UPTON, whom I cajoled, whom I pestered, whom I pleaded with, whom I constantly kept after. He reminded me that I needed patience. I kept reminding him that I've been at it for 6 years. But he listened, and I appreciate that and I salute him for it.

To the ranking member of the full committee, Mr. WAXMAN, to the staffs of the majority, both the Health Subcommittee, the full committee majority staff and the minority staff, I want to thank them as well, because without them we really cannot get our work done.

I also want to say how proud I am and grateful I am for the efforts of the pancreatic cancer advocates who had the courage to share their painful stories with their Representatives and educate them about the importance of this legislation. I would also like to make mention of Senator SHELDON WHITEHOUSE, who is the author in the other body and has been a marvelous advocate and carrier of this legislation. And last but not least, I'd like to pay tribute to Erin Katzelnick-Wise of my staff, who, for all of this time—over three Congresses—has worked diligently and vigorously and loyally on this bill.

I look forward to seeing H.R. 733 signed into law by the President so that we can begin the important work of finding a cure for pancreatic cancer, as well as the other cancers that take the lives of our fellow Americans every day. I think with the passage of this and the signature of it, the American people will say, at last, at last the Congress has acted on a bipartisan basis on something that is of utmost importance and urgency to the American people.

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

Mr. PITTS. Mr. Speaker, at this time I would like to yield 3 minutes to the chair of the full committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this legislation, H.R. 733, the Recalcitrant Cancer Research Act of 2012, will indeed take important steps to improve outcomes for cancer patients.

For the many Americans who have been diagnosed with a hard-to-treat cancer, hope is not easy to come by. These patients have heard all about the advances in cancer treatments and cures but are left to wonder why there isn't some help for them. Unfortunately, their cancers do not respond to traditional treatments and, as a result, have had very few improvements in prevention, diagnosis, and treatment in decades.

Take, for example, pancreatic cancer. According to the NIH, it is estimated that 44,000 men and women will be diagnosed with this cancer this year, of which 35,000 will die. The 5-year survival rate is less than 6 percent, compared to other cancers with survival rates of over 90 percent.

This bill will guide efforts at the National Cancer Institute in identifying the scientific framework that will outline those unanswered medical and scientific questions that will help to focus research efforts for those deadly cancers. Ensuring the availability of qualified researchers and important resources, such as patient registries, will also move the process forward.

Tonight we work to provide patients and their families a little more hope. This bipartisan legislation is an important step as we continue to see breakthrough advances in cancer research, particularly for those cancers whose survival rates remain low and treatment options are limited.

I want to thank Chairman WAXMAN and his staff, as well as Chairman HARKIN and Ranking Member ENZI of the Senate committee, which passed the Senate version of this bill today in committee, for enabling us to be on the verge of really getting this legislation into law, which is one of the reasons why we bypassed the full committee.

We were delighted to pass this legislation last week in subcommittee, and I singled out particularly my friends, ANNA ESHOO and LEONARD LANCE, for their stalwart work on moving this legislation. And I've got to tell you, the many times we met and chatted about this legislation, I was given an update on the number of bipartisan cosponsors from 233 to 240, and now 290-something that are there. It is, indeed, a bipartisan piece of legislation.

One of the reasons why we bypassed the full committee this week in markup—which began, actually, this afternoon and we'll finish tomorrow—is we wanted to get this bill to the floor right away so that we don't even have to wait for a lame duck session to get it signed into law. So I would hope that my Senate colleagues move this quickly.

But I just really want to thank my friends, ANNA ESHOO and LEONARD LANCE, for their great work. The staff that put this together—I'll tell you, in sitting down with the NIH folks 2 weeks ago, we've really expanded. We've broadened this to include more than just pancreatic, how this started.

□ 2140

We have the stakeholders now on board that are excited about this legislation and what it will hold. The private sector out there—and, man, we've sure heard from them over the last year or so—but I know, too, that they are very happy with the passage of this tonight. It's a dream that's come true thanks to you.

Ms. ESHOO. Mr. Speaker, I would just like to add to the comments that I made earlier that this is really highly unusual that a bill would enjoy such high co-sponsorship.

So, to the advocates that may be tuned in tonight, I, again, want to pay homage to them for their advocacy, for their tenacity, for their turning their real pain and loss into something that is worthy of those that were lost. Almost 1,000 bills were referred to the Energy and Commerce Committee during this, the 112th Congress. There was no other bill that enjoyed the high number, 293 bipartisan cosponsors.

This Congress has been really torn a part by so much disagreement, a high amount of nonpartisanship, people all over the country really scratching their heads and saying, can anyone ever come together in Congress to get something done for the American people. And while I wish there were so much more, I think that this stands tall and is an eloquent statement about my colleagues that signed on to this as cosponsors.

And I thank, again, the leadership on both sides of the aisle, the staff that is so wonderfully responsible for the beautiful work that's done and, again, close my comments by paying tribute to the Republican leader on this legislation, Representative LEONARD LANCE, who is a genuine gentleman, an outstanding legislator, a good friend, and a man of real integrity.

I say bravo to all of the advocates. God bless you all.

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

Mr. PITTS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from New Jersey, (Mr. LANCE), a member of the Health Subcommittee.

Mr. LANCE. Mr. Speaker, I rise tonight in strong support of this legislation that I have had the honor of cosponsoring with my friend and colleague, Congresswoman ANNA ESHOO of California. The legislation improves the prevention, the diagnosis, and the treatment of cancers with high mortality rates, including pancreatic cancer.

Since President Nixon declared the war on cancer 40 years ago, the overall 5-year survival rate for all a cancers has climbed from approximately 50 percent to 67 percent. There are, however, cancers such as pancreatic cancer that still have high mortality rates and have not seen substantial progress in diagnoses or treatment of the disease. These so-called ''recalcitrant cancers'' are among the deadliest diseases and are the very types of cancers that this bill seeks to address.

This legislation will direct the National Cancer Institute to establish a scientific framework that will guide research efforts on recalcitrant cancers by identifying unanswered medical and scientific questions. This framework seeks to bring together the brightest minds from Federal health agencies, from academia, and from private research fields with the hope of yielding new treatments and cures for recalcitrant cancers.

I thank Chairman PITTS and Ranking Member PALLONE of the Health Subcommittee for their steadfast support of the bill; and I thank the chairman of the full committee, Mr. UPTON, and the ranking member, Mr. WAXMAN, for their essential help.

At a time when so many Americans are concerned about the lack of bipartisanship in Congress, this legislation is an example where members of the House Energy and Commerce Committee work together, as we so often do, on critical health care issues. This legislation will reach the President's desk. This is the way Congress should work.

I give special recognition to Congresswoman ESHOO for her tireless efforts, not only in support of this legislation, her legislation, but for her advocacy throughout her public life in support of cancer research and education.

I also thank Senator WHITEHOUSE for his work on this issue. And I thank Jeff Last, of my staff, for all that he has done on this important legislation.

Also, Mr. Speaker, I thank Lisa Swayze for her advocacy in support of the pancreatic cancer issue, advocacy in memory of her husband, the great actor and dancer, Patrick Swayze.

On a personal note, when my twin brother, Jim, and I were 12 years old, we lost our mother to cancer after a valiant 3-year battle. I dedicate whatever modest work I have done on this issue in her memory.

I urge my colleagues to support the Recalcitrant Cancer Research Act.

Mr. PITTS. Mr. Speaker, in conclusion, I want to commend the advocacy of Mr. LANCE and Ms. ESHOO, the leadership, Mr. UPTON, the ranking member of the full committee and the subcommittee, and thank the staffs of both the subcommittee and the full committee for their tireless work in putting together this bipartisan compromise, an excellent bill. And I urge support from the Members for H.R. 733, the Recalcitrant Cancer Research Act of 2012.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, this bill is an example of Congress functioning at its best. As introduced, Congresswoman ESHOO and Congressman LANCE's legislation addresses a policy goal that resonates with many of us—making progress in our fight against pancreatic cancer. In fact, nearly 300 Members of the House—Democrats and Republicans alike—are co-sponsors of this legislation.

Through the Committee process, Members and staff worked on a bipartisan basis to respond to input from the National Institutes of Health and National Cancer Institute (NCI), pancreatic cancer advocates, and cancer researchers. I believe the end result—the bill before us today—represents a fair and balanced approach.

H.R. 733 now focuses on a broader category of cancers, the so-called recalcitrant or deadliest cancers. The legislation directs the NCI to develop scientific frameworks to guide research efforts on recalcitrant cancers—defined as those cancers with 5-year relative survival rates below 50 percent. The bill requires the Director of the NCI to complete frameworks for at least 2 recalcitrant cancers that meet additional criteria set forth in the bill—having a 5-year survival rate of less than 20 percent and causing at least 30,000 estimated deaths—within 18 months of enactment. It is my expectation that NCI will begin first with pancreatic and lung cancer. But in doing so, I also expect NCI to consider applying the scientific framework model to other recalcitrant cancers.

Importantly, the bill ensures there will be an opportunity for outside experts to offer their perspective as the Director of NCI works to complete each scientific framework. H.R. 733 also calls on NCI to submit each completed framework to Congress and post it on the Department of Health and Human Services' website.

No doubt, many Members like myself have met with constituents and heard the heartwrenching stories of those families who have been impacted by pancreatic cancer. The unfortunate reality is that we rarely hear from

survivors of pancreatic cancer themselves since they are so few. In California alone, nearly 4,000 people will lose their lives to pancreatic cancer this year. An additional 12,000 Californians will die from lung cancer. Their families—and many others—have asked for our support in improving the diagnosis and treatment of pancreatic, lung, and other recalcitrant cancers.

There's no disputing that great progress has been made in our fight against cancer over the past 40 years. Consider for example the improvement we've seen in the overall five-year relative survival rate for all cancers, and the important discoveries that NCI has made through its Cancer Genome Atlas program in understanding what makes one cancer different from another. Nonetheless, there are certain cancers where we haven't seen as many gains. That's precisely why I support the approach taken in H.R. 733.

I'm very proud of the work of Chairman UPTON, Chairman PITTS, Ranking Member PALLONE, Congresswoman ESHOO, and Congressman LANCE—as well as all of our staff—on this issue. I urge my colleagues to support passage of this bill.

Mr. FATTAH. Mr. Speaker, I proudly cast a ''yea'' vote in support of H.R. 733, the Pancreatic Cancer Research and Education Act, with the memory of Elmer Chenault in mind. This important legislation will address the high mortality rate associated with Pancreatic Cancer. Mr. Chenault, my father-in-law, was a senior management officer and federal compliance official of the Environmental Protection Agency, Army veteran of the Korean War and a devoted family man. Elmer spent his working career in the scientific and environmental fields and was one of the first officials of the EPA, joining it shortly after it was founded in 1970 under President Richard M. Nixon. He grew up in Wyoming, Ohio, a suburb of Cincinnati. Joining the EPA in the early '70s, Elmer became a tireless advocate for environmental justice for communities of color and the economically disadvantaged.

His passing was a trying time for my family, an experience too many know too well when confronting this terrible disease, and his loss continues to be felt by many in Philadelphia. I thank my colleague from California for her stalwart support for this legislation and look forward to a time when no family must face the scourge of Pancreatic Cancer.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 733, as amended.

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

The title was amended so as to read: ''A bill to provide for scientific frameworks with respect to recalcitrant cancers.''.

A motion to reconsider was laid on the table.

MOURNING THE LOSS OF SHERIFF LARRY DEVER

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

Mr. FLAKE. Mr. Speaker, Arizonans were greeted this morning with the unwelcome news that Cochise County Sheriff, Larry Dever, passed away last night in an automobile accident. The great State of Arizona is in a state of mourning.

Respected throughout the State as a leader and a lawman, Sheriff Dever was also recognized nationally as an authority on immigration and border issues. Every Senator, Congressman, Governor, and local official who wanted to know what was really happening in southern Arizona sought Sheriff Dever's counsel. No meetings or briefings, Powerpoint presentations, flip charts, or easels could compare to a couple of hours in the passenger seat of his pickup truck, driving bumpy roads, one-on-one with the sheriff.

To us, Sheriff Dever was the consummate lawman: tough, fair-minded, straight shooting, no nonsense. To his wife, Nancy, he was a devoted husband. To his six sons, he was a caring father. To his 11 grandchildren, he was a proud and doting grandfather.

To those of us who call Arizona home, we are grateful for the past 60 years that Sheriff Dever has called Arizona home as well.

(2150)

STOP THE WAR ON COAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized until 10 p.m. as the designee of the majority leader.

Mrs. CAPITO. Thank you, Mr. Speaker.

We have 10 minutes here, and I am very proud to be here tonight to talk about a bill that is on the floor on Friday, and that is the Stop the War on Coal Act of 2012. I hail from the great State of West Virginia, one of the largest coal-producing States in this Nation. Quite frankly, I am here for three reasons.

The first reason is that I am extremely concerned about the job loss and the economic devastation that this war on coal is having on our State of West Virginia. We had really sad news just yesterday. Alpha Coal announced that 1,200 coal mining jobs in the region were going to be cut. Now, that sounds like a lot of jobs, but then when you think about it, that's 1,200 families, and that's 1,200 men and women who will come home tonight and who came home last night. So we say we're going to have to do something.

And why is it? We don't have enough time to get into all of the details, but I do think it is part and parcel of the regulatory environment of this administration, that it's the philosophy of this administration that coal is not good for the country, and it's a lack of education, really, on the acknowledgment of the base load energy that coal brings to this Nation.

I am here to stand up for the families and businesses that are going to see a rise in their electric bills. I am also here for the reliability of the electric grid to make sure that we have affordable energy.

I would like to bring my friend from Pennsylvania in. We've been waiting a while. The Stop the War on Coal Act is coming up on Friday, which the President's energy plan is destroying, if you can even call it a plan. I mean, we're from an all-of-the-above plan. We've worked together on this, Mr. MURPHY and I. We've already lost over 2,000 jobs, and 55 units are going to retire across America, in large part, due to EPA rules and regulations. How many jobs is that? These Boiler MACT rules, these Utility MACT rules, coal ash rules are all job killers.

I would like to yield to the gentleman from Pennsylvania, since we're on limited time, and ask him to give his perspectives on what we know is a war on coal.

Mr. MURPHY of Pennsylvania. I thank the gentlelady from West Virginia. Thank you also for your tireless advocacy for coal as we are here fighting the war on coal.

It's interesting. I remember when I was attending college at Wheeling Jesuit University. Oftentimes, for charitable activities, we'd go into the mountains of Appalachia and help families where coal mines had shut down because they were played out, and we'd seen the incredible poverty there. We also know that, over the last century, miners toiled for years in those coal patch towns and tried to make things safer, and they accomplished that. They worked for better wages, and they accomplished that. Now they're fighting for their very existence and their jobs and livelihoods.

To add to what you're saying about the jobs here, this is not just coal miners. It's the manufacturers who make the longwall equipment—the continuous miners, the rails, the wire, the ventilators, the elevators, the safety equipment. They are fighting for their jobs. It's the railroads, the trucks, the barges, the workers who make the rails, the hopper cars, the barges, the trucks who are there, fighting for their jobs.

Where will they go? Really, this is not just an attack on some of the power plants. We may lose 175 or so initially. The goal is to shut down 400 power plants altogether. What will happen then?

Now, this keeps the President's pledge that, if you want to use coal, it will bankrupt you, but it's also going to bankrupt these families when they can't pay their bills when their electric rates go up. They're already paying $3,000 more per year for their gasoline for their cars. Interior Secretary Ken Salazar told the Democratic National Convention:

Under President Obama's leadership, the U.S. moved forward with an all-of-the-above energy strategy—oil, gas, nuclear, hydro,

biofuels, wind, geothermal, solar. All of it, he said. What's missing is coal.

If we're not going to build a new power plant, that's also jobs not just for the miners. It means no jobs for the boilermakers, the electrical workers, the ironworkers, the steamfitters, the plumbers, the insulators, the carpenters, the laborers, the operating engineers, the cement masons, and the steelworkers. That means, down in southwestern Pennsylvania, in Greene County, where 43 percent of their income is coal, they won't have that income. Washington County will also suffer, and so many Americans will suffer.

We need to be investing in new technologies to clean up coal and to clean up these power plants and rebuild them, not to shut them down.

Mrs. CAPITO. I agree. I think carbon capture and sequestration holds great promise, but we've got to make sure that we've got the technology available so that we can elongate the life of coal.

Contained within the bill we're going to vote on on Friday is something that I've been concerned about now for years, which is of this administration's inability or reluctance or that it will not even consider the job and economic impact of the decisions they're making. We've passed bill after bill here, saying to the EPA and to the President, Mr. President, you've got to weave a balance between the economy and the environment. You've got to look at what the job and economic impact of these small towns and counties will be.

Let's talk about what's happening to the county school systems. When these four coal mines shut down in West Virginia, we have a severance tax. That severance tax goes to pay the counties, and a lot of that money goes to the education of those children. What's going to happen? Who is going to fill that gap? Who considered that when they made the decisions to make it impossible to get a permit? to make it impossible to mine the coal? to make it impossible to burn the coal?

I mean, we're cutting off our nose to spite our face. That's an old and tired term, but if we don't have a base load, cheap energy and an abundant energy source—and you and I are both from States that have a lot of natural gas. We're all for natural gas. We want the abundance of natural gas, and we realize the low price of natural gas is part of what's feeding into this. We need an all-of-the-above plan that must contain clean coal and efficient coal.

Mr. MURPHY of Pennsylvania. I'll add a story here.

I remember back in the 1970s, in Buffalo Creek, West Virginia, where a dam broke and wiped out the town. I remember going there to work with the Red Cross. In the late evening at Van High School, I was talking to a gentleman who had lost his home. He had said that, before the dam broke, the police had come down the street, and they'd said, Leave your homes. The dam has broken. He said he grabbed his kids, and they ran up the hill as fast as they could. As fast as he could run, the water was at his feet, and when he turned around, his home was gone; the town was gone; there was nothing left.

In the darkness of that classroom late at night, I could hear him beginning to cry, and I said, But you have your family.

He said, I know, and there is someone else in this town who has lost everything. He even lost his family.

I said, Well, prayers and good luck helped you.

He said, No. It was also the fact that we heard the same warnings. The difference was I listened, and he did not.

We are at that same point, too. We are hearing about the existence of towns all throughout Appalachia and all throughout this Nation. We need to be mining American coal and using our ingenuity to clean it up, not shut it down, to help all these towns, to help the schools, and to help those families.

Mrs. CAPITO. I want to thank you for joining me tonight at this late hour. I have just a few more minutes left, and I'd like to spend a little bit of time on what I think is a large overreach on the part of EPA into making law where Congress should be making the law.

We should be deciding how to legislate on the Clean Water Act. We should be deciding how to legislate on the Clean Air Act. We should be deciding how to move forward on permitting in our Nation because we consider jobs and the economy across party lines, and those are important considerations for a lot of the bills we put forward.

But this administration has decided to do an end around. They're making regulation after regulation. And what has happened? The Federal courts have said on at least two or three different occasions—and maybe more—that this administration is in an area where they don't belong. It's a legislative area. It's not a regulatory area. It's an area that needs to be addressed through legislation by the Congress because that's the proper place for these decisions to be made.

So I hope that the President is listening, and I hope his administration is listening because, with thousands of jobs lost, higher electric bills, less reliable energy, fewer manufacturing jobs, this all feeds into an over 8 percent unemployment—folks who have quit looking and others who have given up.

If we don't have a full-out energy plan that includes everything and our most basic and our longest living energy resource—coal—and use the properties there and enhance them through research and development, we are going to find ourselves with over 8 percent unemployment, and we are going to find communities wiped out. States like mine—that are 95 percent reliant on coal production for our electricity—are going to be severely disadvantaged. I don't want to live in a country where the regulatory environment and the President are picking winners and losers across this country, and that's what has happened.

So I look forward to joining my colleague in voting for this bill on Friday. I thank you very much, and I thank the staff for staying so late, too.

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

ADJOURNMENT

Mrs. CAPITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 20, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7847. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Beef Promotion and Research; Amendment to the Order [Doc. No.: AMS-LS-11-0086] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7848. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changing Reporting Requirements [Doc. No.: AMS-FV-12-0002; FV12-929-1 IR] received September 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7849. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2010-0217; FRL-9360-4] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7850. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerances [EPA-HQ-OPP-2011-0395; FRL-9357-5] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7851. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0324; FRL-9349-6] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7852. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Metolachlor; Pesticide Tolerances [EPA-HQ-OPP-2011-0657; FRL-9356-9] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7853. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 11-05; to the Committee on Appropriations.

7854. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act,

Army Case Number 11-01; to the Committee on Appropriations.

7855. A letter from the Secretary, Department of Health and Human Services, transmitting a report of three violations of the Antideficiency Act by the Indian Health Services, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7856. A letter from the Assistant Secretary, Department of Defense, transmitting Biennial Core Report to Congress, pursuant to Public Law 112-81, section 2464(B)(e) (125 STAT. 1368); to the Committee on Armed Services.

7857. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the report on eliminating barriers to firms that are not traditional suppliers to the department; to the Committee on Armed Services.

7858. A letter from the Under Secretary, Department of Defense, transmitting the semi-annual status report of the U.S. Chemical Demilitarization Program (CDP) for September 2012; to the Committee on Armed Services.

7859. A letter from the Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Colonel Edward D. Banta, United States Marine Corps, and his advancement on the retired list in the grade of brigadier general; to the Committee on Armed Services.

7860. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Conflict Minerals [34-67716; S7-40-10] (RIN: 3235-AK84) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7861. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Administration's report entitled, ''Annual Energy Outlook 2012'', pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Energy and Commerce.

7862. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2012 Technical Corrections, Clarifying and Other Amendments to the Greenhouse Gas Reporting Rule, and Confidentiality Determinations for Certain Data Elements of the Fluorinated Gas Source Category [EPA-HQ-OAR-2011-0147; FRL-9714-3] (RIN: 2060-AR53) received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7863. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compounds; Architectural and Industrial Maintenance Coatings [EPA-R05-OAR-2010-1047; FRL-9720-2] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7864. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Attainment Plan for the Philadelphia-Wilmington, Pennsylvania-New Jersey-Delaware 1997 Fine Particulate Matter Nonattainment Area [EPA-R03-OAR-2010-0391; FRL-9719-4] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7865. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee: Bristol; Determination of Attaining Data for the 2008 Lead Standards [EPA-R04-OAR-2012-0323; FRL-9720-8] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7866. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County, Antelope Valley and Montery Bay Unified Air Pollution Agencies [EPA-R09-OAR-2012-0550; FRL-9718-1] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7867. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0546; FRL-9714-1] received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Infrastructure Requirements for the 1997 Ozone NAAQS and the 1997 and 2006 PM2.5 NAAQS and Interstate Transport Requirements for the 1997 Ozone NAAQS and 2006 PM2.5 NAAQS [EPA-R06-OAR-2008-0633; FRL-9713-8] received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Illinois; Ozone [EPA-R05-OAR-2009-0666; FRL-9712-8] received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes [EPA-R02-OAR-2012-0032; FRL-9714-5] received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Arkansas: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2010-0307; FRL-9713-3] received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Confidentiality Determinations for Nine Subparts and Amendments to Subpart A and I under the Mandatory Reporting of Greenhouse Gases Rule [EPA-HQ-OAR-2011-0028; FRL-9706-6] (RIN: 2060-AQ70) received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2012-0450; FRL-9358-1] (RIN: 2070-AB27) received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Source Specific Federal Implementation Plan for Implementing Best Available Retrofit Technology for Four Corners Power Plant: Navajo Nation [EPA-R09-OAR-2010-0683; FRL-9715-9] received September 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7875. A letter from the Assistant Secretary, Department of Defense, transmitting report on proposed obligations for the Cooperative Threat Reduction; to the Committee on Foreign Affairs.

7876. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7877. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting waiver of requirement to certify conditions under Section 203 of the Enhanced Partnership with Pakistan Act of 2009; to the Committee on Foreign Affairs.

7878. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

7879. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7880. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting annual category rating report from November 1, 2012 to October 31, 2011; to the Committee on Oversight and Government Reform.

7881. A letter from the Inspector General, Railroad Retirement Board, transmitting fiscal year 2014 Budget for the Office of the Inspector General; to the Committee on Oversight and Government Reform.

7882. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a piece of draft legislation entitled ''National Historic Preservation Act Amendment of 2012''; to the Committee on Natural Resources.

7883. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the administration of the Foreign Agents Registration Act of 1938, as amended for the six month period ending December 31, 2011, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

7884. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, ''Report of the Proceedings of the Judicial Conference of the United States'' for the March 2012 session; to the Committee on the Judiciary.

7885. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 2011, pursuant to 36 U.S.C. 4204; to the Committee on the Judiciary.

7886. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Section 508 Report to the President and Congress: Accessibility of Federal Electronic and Information Technology; to the Committee on the Judiciary.

7887. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report entitled, ''Debt Collection Recovery Activities of the Department of Justice for Debts Referred to the Department for Collection Annual Report for 2011''; to the Committee on the Judiciary.

7888. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3345-EM in the State of West Virginia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7889. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit Symphony Orchestra at Ford House Fireworks, Lake St. Clair, Grosse Pointe Shores, MI [Docket No.: USCG-2012-0600] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7890. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mentor Harbor Yachting Club Fireworks, Lake Erie, Mentor, OH [Docket No.: USCG-2012-0356] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7891. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Air Traffic Service (ATS) Routes in the Vicinity of Vero Beach, FL [Docket No.: FAA-2012-0621; Airspace Docket No. 12-ASO-24] (RIN: 2120-AA66) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7892. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bar Harbor, ME [Docket No.: FAA-2011-1366; Airspace Docket No. 11-ANE-13] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7893. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Quakertown, PA [Docket No.: FAA-2011-0386; Airspace Docket No. 12-AEA-6] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7894. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Roundup, MT [Docket No.: FAA-2012-0274; Airspace Docket No. 12-ANM-4] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7895. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Apopka, FL [Docket No.: FAA-2011-0249; Airspace Docket No. 12-ASO-16] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7896. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Fort Rucker, AL [Docket No.: FAA-2012-0635; Airspace Docket No. 12-ASO-30] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7897. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Lloydsville, PA, and Amendment of Class D and E Airspace; Latrobe, PA [Docket No.: FAA-2012-0301; Airspace Docket No. 12-AEA-3] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7898. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Routes and VOR Federal Airways; Northeastern United States [Docket No.: FAA-2012-0622; Airspace Docket No. 12-ANE-11] (RIN: 2120-AA66) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7899. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting reconstruction proposal for the Ohio River Shoreline, Paducah, Kentucky; (H. Doc. No. 112–142); to the Committee on Transportation and Infrastructure and ordered to be printed.

7900. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the final report for the San Clemente Shoreline Feasibility Study; (H. Doc. No. 112–143); to the Committee on Transportation and Infrastructure and ordered to be printed.

7901. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Assets for Independence Program — Status at the Conclusion of the Eleventh Year''; to the Committee on Ways and Means.

7902. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina; jointly to the Committees on Armed Services and Energy and Commerce.

7903. A letter from the Chair, Federal Election Commission, transmitting the Commission's FY 2014 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 5948. A bill to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes; with an amendment (Rept. 112–678). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 6194. A bill to ensure the viability and competitiveness of the United States agricultural sector (Rept. 112–679). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 788. Resolution providing for consideration of the joint resolution (H.J Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program; providing for consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; and providing for proceedings during the period from September 22, 2012, through November 12, 2012 (Rept. 112–680). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MICA (for himself and Mr. DENHAM):

H.R. 6430. A bill to amend title 40, United States Code, to improve the functioning of the General Services Administration; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE:

H.R. 6431. A bill to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes; to the Committee on Financial Services. considered and passed. considered and passed.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. GOODLATTE, and Mr. WATT):

H.R. 6432. A bill to implement the provisions of the Hague Agreement and the Patent Law Treaty; to the Committee on the Judiciary.

By Mr. UPTON (for himself and Mr. WAXMAN):

H.R. 6433. A bill to make corrections with respect to Food and Drug Administration user fees; to the Committee on Energy and Commerce. considered and passed. considered and passed.

By Ms. EDWARDS:

H.R. 6434. A bill to direct the Secretary of Education to award grants to States that enact State laws that will make school attendance compulsory through the age of 17; to the Committee on Education and the Workforce.

By Mr. STARK (for himself and Mr. RANGEL):

H.R. 6435. A bill to amend title XVIII of the Social Security Act to clarify the application of Medicare special enrollment periods and secondary payer rules to employer coverage of family members of employees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 New Jersey:

H.R. 6436. A bill to eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself and Mr. THOMPSON of California):

H.R. 6437. A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy

power generation projects and transportation fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. BASS of New Hampshire (for himself, Mr. DOLD, Mr. MATHESON, Mr. GERLACH, Mr. LANDRY, Mr. COBLE, Mr. RIBBLE, Mr. SCHILLING, Mr. PETRI, Mr. GIBBS, Mr. RENACCI, Mr. DUFFY, and Mr. CULBERSON):

H.R. 6438. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to subject the pay of the President, the Vice President, and Members of the House of Representatives and the Senate to any sequestration order for fiscal year 2013; to the Committee on the Budget.

By Mrs. BLACK (for herself, Mr. MICHAUD, Mr. RIBBLE, Mr. BONNER, Mr. HERGER, Mr. THOMPSON of Pennsylvania, Mrs. BLACKBURN, Mr. DUNCAN of Tennessee, and Mr. KISSELL):

H.R. 6439. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the imposition of the additional estate tax for severance of standing timber harvested consistent with a forest management plan; to the Committee on Ways and Means.

By Mr. COURTNEY:

H.R. 6440. A bill to designate the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as ''The Last Green Valley National Heritage Corridor''; to the Committee on Natural Resources.

By Mr. GRIMM (for himself and Mr. DINGELL):

H.R. 6441. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Natural Resources.

By Mr. POMPEO:

H.R. 6442. A bill to amend title XX of the Social Security Act to repeal the program of block grants to States for social services, and for other purposes; to the Committee on Ways and Means.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. DEUTCH, Ms. WILSON of Florida, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Ms. CASTOR of Florida, Mr. RIVERA, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BUCHANAN, and Mr. ROSS of Florida):

H.R. 6443. A bill to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic''; to the Committee on Veterans' Affairs.

By Mr. FINCHER:

H. Res. 789. A resolution reaffirming the importance of religion in the lives of United States citizens and their freedom to exercise those beliefs peacefully; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. SHIMKUS):

H. Res. 790. A resolution expressing support for designation of August 23 as Black Ribbon Day to recognize the victims of Soviet Communist and Nazi regimes; to the Committee on Oversight and Government Reform.

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H. Res. 791. A resolution recognizing the extraordinary history and heritage of the State of New Mexico, and honoring and commending the State of New Mexico and its people on its centennial anniversary; to the Committee on Oversight and Government Reform.

By Mr. SCHRADER (for himself, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. MARKEY, and Ms. BONAMICI):

H. Res. 792. A resolution honoring Rear Admiral Jonathan W. Bailey of the National Oceanic and Atmospheric Administration (NOAA) Commissioned Officer Corps for his lifetime of selfless commitment and exemplary service to the United States; to the Committee on Natural Resources.

MEMORIALS

Under clause 3 of rule XII:

280. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 824 urging the President and Congress to begin an expedited withdrawal of forces from Afghanistan; to the Committee on Foreign Affairs.

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. MICA:

H.R. 6430.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. ROYCE:

H.R. 6431.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power to ''regulate commerce with foreign Nations among the several States.''

By Mr. SMITH of Texas:

H.R. 6432.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of section 8 of Article I of the Constitution.

By Mr. UPTON:

H.R. 6433.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. EDWARDS:

H.R. 6434.

Congress has the power to enact this legislation pursuant to the following:

Article. I., Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. STARK:

H.R. 6435.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SMITH of New Jersey:

H.R. 6436.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POE of Texas:

H.R. 6437.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. BASS of New Hampshire:

H.R. 6438.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of Article I; section 6 of Article I; section 1 of Article II.

By Mrs. BLACK:

H.R. 6439.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. COURTNEY:

H.R. 6440.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clause 1 and Article IV, section 3, Clause 2 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. GRIMM:

H.R. 6441.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

By Mr. POMPEO:

H.R. 6442.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Paragraph 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. WASSERMAN SCHULTZ:

H.R. 6443.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Ms. BUERKLE.

H.R. 289: Mr. MCNERNEY.

H.R. 715: Mr. WALSH of Illinois.

H.R. 718: Mr. BURGESS and Mr. MCGOVERN.

H.R. 719: Mr. MARINO, Mr. OLVER, Mr. ROYCE, and Ms. ZOE LOFGREN of California.

H.R. 733: Mr. ROSKAM and Mr. DEFAZIO.

H.R. 835: Ms. BASS of California, Mr. GUINTA, and Mr. SMITH of Texas.

H.R. 860: Mr. GARAMENDI, Ms. DEGETTE, Mr. CALVERT, Mr. MACK, Ms. BONAMICI, and Ms. BASS of California.

H.R. 890: Mr. GRIJALVA.

H.R. 942: Mr. GERLACH.

H.R. 965: Mr. WAXMAN.

H.R. 1005: Mr. CAPUANO.

H.R. 1054: Mr. KEATING and Ms. MCCOLLUM.

H.R. 1244: Mr. BISHOP of Utah.

H.R. 1259: Mr. KISSELL.

H.R. 1265: Mr. BISHOP of Utah and Mr. GRIFFIN of Arkansas.

H.R. 1294: Mr. CONYERS.

H.R. 1370: Mr. RIGELL, Mr. ADERHOLT, and Mr. HULTGREN.
H.R. 1397: Mr. CLYBURN.
H.R. 1513: Mr. LOEBSACK.
H.R. 1543: Ms. MCCOLLUM.
H.R. 1648: Ms. SEWELL.
H.R. 1653: Mr. SHUSTER and Mr. KIND.
H.R. 1744: Mr. MCCAUL.
H.R. 1757: Mr. BARBER.
H.R. 1876: Mr. LYNCH and Mr. CUMMINGS.
H.R. 1897: Mrs. MCCARTHY of New York.
H.R. 1910: Mr. HINCHEY.
H.R. 1936: Mr. PERLMUTTER, Mr. LIPINSKI, Mr. BERG, and Mr. SCHILLING.
H.R. 1955: Mr. ANDREWS.
H.R. 2020: Mr. COURTNEY and Ms. MOORE.
H.R. 2030: Ms. CHU.
H.R. 2052: Mr. CONYERS, Mr. LARSEN of Washington, Mr. MICHAUD, and Mr. MARINO.
H.R. 2086: Mrs. MALONEY.
H.R. 2088: Mr. ANDREWS, Ms. PINGREE of Maine, Mr. FRANK of Massachusetts, Mr. HOYER, Mr. OLVER, Mr. KEATING, Mr. GUTIERREZ, Ms. CLARKE of New York, Mr. MARKEY, Ms. CHU, Mr. ENGEL, and Mr. CLYBURN.
H.R. 2194: Ms. SPEIER and Ms. MCCOLLUM.
H.R. 2198: Mr. THOMPSON of Pennsylvania and Mr. FLORES.
H.R. 2267: Mr. HALL, Mr. SHUSTER, and Mr. DEUTCH.
H.R. 2313: Mr. AMASH.
H.R. 2316: Mr. WATT.
H.R. 2353: Mr. FITZPATRICK.
H.R. 2372: Mr. LAMBORN.
H.R. 2382: Mr. LEVIN, Mr. PRICE of North Carolina, and Mr. AMASH.
H.R. 2479: Mr. REED and Mr. OLVER.
H.R. 2488: Mr. MICHAUD.
H.R. 2492: Ms. MCCOLLUM, Mr. HULTGREN, and Mr. SMITH of Texas.
H.R. 2505: Mr. MCKINLEY and Mr. DENT.
H.R. 2547: Mrs. CAPPS.
H.R. 2555: Mr. PRICE of North Carolina.
H.R. 2563: Mr. KEATING.
H.R. 2595: Mr. HIMES.
H.R. 2696: Mr. HIMES.
H.R. 2705: Mr. BISHOP of Georgia.
H.R. 2770: Mrs. NOEM.
H.R. 2776: Mr. YOUNG of Alaska.
H.R. 2827: Mr. PALAZZO.
H.R. 2833: Mr. SCOTT of South Carolina.
H.R. 2913: Mr. DUFFY.
H.R. 2969: Mr. CUMMINGS.
H.R. 2994: Ms. BONAMICI.
H.R. 3059: Mr. HULTGREN.
H.R. 3238: Ms. WOOLSEY and Mr. FILNER.
H.R. 3266: Mr. BLUMENAUER, Mr. FITZPATRICK, and Mr. GRIFFIN of Arkansas.
H.R. 3269: Ms. DEGETTE.
H.R. 3353: Mrs. CAPPS.
H.R. 3395: Mr. BONNER.
H.R. 3399: Mr. HULTGREN.
H.R. 3423: Mr. WEST, Mr. WELCH, and Ms. WILSON of Florida.
H.R. 3458: Mr. COSTELLO.
H.R. 3485: Mr. OLVER, Mr. KEATING, Ms. CLARKE of New York, Mr. MARKEY, Ms. CHU, and Mr. CLYBURN.
H.R. 3587: Mrs. DAVIS of California.
H.R. 3661: Mr. JOHNSON of Illinois, Ms. Linda T. Sánchez of California, and Mrs. BIGGERT.
H.R. 3695: Ms. BROWN of Florida.
H.R. 3713: Mr. THOMPSON of California, Mr. CICILLINE, Mr. GERLACH, Mr. GRIFFIN of Arkansas, and Mr. FRANKS of Arizona.
H.R. 3728: Mr. NUNES and Mr. GOODLATTE.
H.R. 3783: Mr. SOUTHERLAND, Mr. BARTLETT, and Mr. LANCE.
H.R. 3798: Mr. CUMMINGS and Mr. CROWLEY.
H.R. 3974: Ms. EDWARDS.
H.R. 4196: Mr. GRAVES of Missouri.
H.R. 4212: Mr. BACHUS.
H.R. 4250: Mr. BROOKS, Ms. RICHARDSON, and Mr. HINOJOSA.
H.R. 4256: Mr. LANDRY and Mr. CHANDLER.
H.R. 4290: Ms. DELAURO.
H.R. 4318: Ms. LEE of California.
H.R. 4818: Mr. BUTTERFIELD.
H.R. 5542: Ms. LORETTA SANCHEZ of California.
H.R. 5708: Mr. BILIRAKIS and Ms. ROS-LEHTINEN.
H.R. 5716: Mr. LOEBSACK.
H.R. 5746: Mrs. BLACK.
H.R. 5749: Ms. MCCOLLUM.
H.R. 5817: Mr. HUIZENGA of Michigan.
H.R. 5873: Mr. BUTTERFIELD.
H.R. 5876: Mr. ANDREWS.
H.R. 5879: Mr. BLUMENAUER.
H.R. 5903: Mr. MARKEY.
H.R. 5910: Mr. STUTZMAN and Mr. ROTHMAN of New Jersey.
H.R. 5914: Mr. HARRIS, Mr. TIBERI, and Mr. DEFAZIO.
H.R. 5943: Mr. LONG.
H.R. 5948: Mr. MICHAUD, Mr. POSEY, and Mr. ROONEY.
H.R. 5959: Mr. MCNERNEY, Mr. OLVER, and Mr. FARR.
H.R. 5962: Mr. KUCINICH.
H.R. 5965: Ms. CHU.
H.R. 5978: Mr. LEVIN and Mr. HOLT.
H.R. 6015: Mr. PETERS, Mr. BRALEY of Iowa, Mr. HASTINGS of Florida, Mr. THOMPSON of California, Ms. LEE of California, Mr. RANGEL, Mr. SMITH of Washington, Ms. BASS of California, Ms. BONAMICI, Mr. COURTNEY, and Mr. SHULER.
H.R. 6043: Mr. BILBRAY.
H.R. 6086: Mr. SIMPSON.
H.R. 6139: Mr. JONES.
H.R. 6150: Mr. MICHAUD, Mr. LEWIS of Georgia, and Ms. BORDALLO.
H.R. 6155: Ms. SPEIER, Mr. ROSS of Arkansas, Mr. LANGEVIN, Ms. WATERS, Mr. REED, Mr. ANDREWS, and Ms. MOORE.
H.R. 6157: Mr. CICILLINE, Mr. BOREN, Mr. BLUMENAUER, Mr. RIVERA, Mr. ROSS of Arkansas, Ms. WATERS, Mr. ANDREWS, Mr. CLAY, and Ms. MOORE.
H.R. 6159: Mr. HIGGINS and Mr. BARBER.
H.R. 6163: Ms. SCHWARTZ and Ms. MATSUI.
H.R. 6165: Mr. SENSENBRENNER.
H.R. 6174: Mr. BOREN.
H.R. 6249: Mr. BROOKS, Mr. BRADY of Texas, Mr. LONG, Mr. MCKEON, Mr. FARENTHOLD, Mr. KING of New York, Mr. SENSENBRENNER, and Mr. PAULSEN.
H.R. 6260: Mr. GALLEGLY.
H.R. 6291: Mr. KILDEE and Ms. ZOE LOFGREN of California.
H.R. 6296: Mr. FITZPATRICK.
H.R. 6310: Mr. KILDEE, Mr. LANGEVIN, and Ms. DELAURO.
H.R. 6352: Mr. COBLE.
H.R. 6357: Ms. CHU.
H.R. 6362: Ms. BONAMICI.
H.R. 6364: Mr. THOMPSON of California and Mr. YODER.
H.R. 6375: Mr. MICHAUD.
H.R. 6385: Mr. KELLY and Ms. SCHAKOWSKY.
H.R. 6388: Mr. BARTLETT, Ms. HIRONO, Mr. CLAY, Mr. FARR, Mr. BILBRAY, Mr. GALLEGLY, Mr. RAHALL, and Ms. ROYBAL-ALLARD.
H.R. 6390: Ms. RICHARDSON and Ms. CHU.
H.R. 6392: Ms. SCHAKOWSKY and Mr. WELCH.
H.R. 6412: Ms. LINDA T. SÁNCHEZ of California, Mr. ISRAEL, Mr. REYES, Mr. LARSEN of Washington, Mr. MORAN, Mr. BLUMENAUER, Mr. CAPUANO, Ms. LEE of California, Ms. MCCOLLUM, Mrs. CAPPS, Mr. GRIJALVA, Mr. OLVER, Mr. STARK, Mrs. LOWEY, Ms. CHU, Mr. MCDERMOTT, Mr. POLIS, Mr. MCGOVERN, Mr. DOYLE, Mr. PIERLUISI, Ms. HAHN, Mr. FILNER, Mr. DOGGETT, Ms. CASTOR of Florida, Mr. FARR, Mrs. DAVIS of California, and Mr. HOLT.
H.R. 6419: Mr. FARR, Ms. NORTON, Mr. RUSH, Ms. DEGETTE, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. CHU, Mr. BISHOP of Georgia, and Mr. SMITH of Washington.
H.R. 6429: Mr. OLSON, Mr. SAM JOHNSON of Texas, Mrs. ELLMERS, Mr. LAMBORN, Mr. FLORES, Mr. COBLE, Mr. ROSS of Florida, Mr. PENCE, Mr. WESTMORELAND, Mr. HECK, Mr. DUFFY, and Mr. GOWDY.
H.J. Res. 47: Mr. MURPHY of Connecticut.
H. Con. Res. 116: Mr. LIPINSKI, Mrs. BLACK, Mr. DONNELLY of Indiana, and Mr. BILBRAY.
H. Con. Res. 129: Mr. MEEKS, Mr. CONAWAY, Mr. MCGOVERN, Ms. RICHARDSON, Mr. LARSEN of Washington, Mr. BARLETTA, Mr. YOUNG of Florida, Mr. KING of New York, Ms. HOCHUL, and Mr. PALAZZO.
H. Res. 134: Mr. SMITH of New Jersey.
H. Res. 304: Mr. HONDA.
H. Res. 460: Mr. SMITH of Texas.
H. Res. 734: Mr. HOLT and Mr. MCGOVERN.
H. Res. 763: Mrs. BLACKBURN and Mr. CARTER.
H. Res. 774: Mr. BARROW, Mr. WHITFIELD, Mr. SMITH of Texas, Mr. MURPHY of Connecticut, Mr. TIERNEY, Mr. GRIFFITH of Virginia, Mr. CLAY, Ms. HAYWORTH, Mr. WELCH, Mr. RENACCI, Mr. CUELLAR, Mr. BARTLETT, Mr. CICILLINE, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. SCHILLING, Mr. BILBRAY, Mr. KILDEE, Mrs. DAVIS of California, Mr. NUNNELEE, and Mr. AMODEI.
H. Res. 776: Mr. COBLE, Mr. PIERLUISI, and Mr. KING of Iowa.
H. Res. 777: Mr. AUSTRIA and Ms. BORDALLO.
H. Res. 780: Mr. MICHAUD.
H. Res. 785: Mr. PRICE of North Carolina.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MARKEY or a designee to H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

59. The SPEAKER presented a petition of the California State Land Commission, California, relative to resolution supporting H.R. 3365 and S. 714; to the Committee on Natural Resources.

60. Also, a petition of the Odessa Chamber of Commerce, Texas, relative to resolution supporting the Securing the Talent America Requires for the 21st Century Act; to the Committee on the Judiciary.