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

DESIGNATION OF SPEAKER PRO TEMPORE
The Speaker pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, June 2, 2013.
I hereby appoint the Honorable Thomas Massie 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 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.
The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE EFFECTS OF THE SEQUESTER
The Speaker pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.
Mr. HOYER. Mr. Speaker, as we proceed with the 15th week of the Republican policy of sequester, this House continues to avoid taking the steps it ought to be taking to replace the entire sequester with a balanced alternative.
Instead, House Republicans have fully embraced the sequester's draconian cuts, which slash funding from our highest and lowest priorities equally and put our economic recovery and national security at risk.

Last week, they approved a rule deeming the Ryan budget’s caps for next year, which locks in the sequester cuts. This is a blatant violation of the Budget Control Act agreement reached between the two parties in August of 2011.

Now we’re about to consider a defense authorization bill that shifts $54 billion in sequester cuts from the Pentagon onto domestic programs which were already cut by sequester, like Head Start, Meals on Wheels, and rental assistance for low-income families. How shameful.

This follows the passage of two appropriations bills last week as part of a strategy from Republicans we’ve seen before. It came as no surprise that they chose to consider two of the most popular bills first, those that fund programs that protect our homeland security and provide care for our veterans. I’m glad there’s bipartisan consensus that these bills represent important funding priorities.

But let me quote from an Associated Press article from June 4 which sheds some light on their strategy:

The boost for veterans came even as Republicans controlling the Chamber marched ahead with a plan that would require most other domestic programs to absorb even deeper cuts next year than those in place now after the imposition of across-the-board spending cuts.

This refers, of course, to the sequester. The article continues:

Republicans are coping with the shortfall by slashing across a broad swath of domestic programs, forcing cuts in the range of 20 percent, for instance, to a huge domestic spending bill that funds aid to local school districts, health research, and enforcement of labor laws.

The article goes on to say, “The GOP strategy is to, early on, advance popular bipartisan bills”—for which almost all of us voted—“and then bring up bills making deep cuts later in the summer, if at all.”

In fact, I predict that they will not bring up most of the bills, notwithstanding their discussions about regular order.

By insisting on budget numbers that not only include the sequester but cut even further into domestic priorities, not in clear violation of the Budget Control Act and the agreement that we reached between the two parties, Republicans are torpedoing any chances of reaching a big and balanced solution to deficits.

The longer we wait, Mr. Speaker, to forego compromise that can replace the entire sequester with a balanced alternative, the more pain will be felt across our economy and the greater the risk will be to our national security. Just ask the joint chiefs, not us.

Let me review just some of the sequester’s many effects: 70,000 kids kicked off Head Start; 10,000 teachers’ jobs at risk from Title I cuts; furloughs to cause delays in processing retirement and disability claims; 4 million fewer meals for seniors; 125,000 less HUD rental assistance vouchers; emergency unemployment past 26 weeks cut 11 percent for 2 million Americans out of work; 2,100 fewer food safety inspections; longer waits to approve new drugs; furloughs equivalent to 1,600 fewer federal agents; FBI, Border, et cetera, on the job.

We talk about border security while, at the same time, slashing border guards.

One-third of combat air units are grounded in America. It has now been over 70 days since the House passed its budget and since the Senate did the same. Regular order. Yet, Speaker BOEHNER, who claims to wish regular order for this House, will not appoint conferees. Or shall I say, he is unable to do so as a result of a severely divided caucus.

The Washington Post reported on June 3 that the House Republicans have “disintegrated into squabbling factions no longer able to agree on, much less execute, some of the most basic government functions.”
It seems what matters is only a commitment to deep austerity and a weakened government. This ideology has achieved a dangerous manifestation in the sequester, which has been the Republican policy all along, and which, as I have pointed out, was included in the Cross Cut. Cap and Balance bill passed in July of 2011, when 229 Members of their caucus voted for sequester as an option.

Now we have further evidence the sequester is their policy, as Republicans double down on their irrational cuts and refuse to negotiate.

There is, however, Mr. Speaker, an alternative. That is a balanced bill that will replace the sequester entirely. The ranking member of the Budget Committee, Mr. Van Hollen, has put forward a proposal that deserves a vote.

The Speaker so often says, “Let the House work its will.” In fact, he has asked the Van Hollen vote on it six times, and Van Hollen has, and will ask for a seventh time at the Rules Committee today, but Speaker Boehner and Republican Leader Cantor have so far said, no, the House cannot work its will; the House cannot consider this option.

The American people deserve to see where their representatives stand on a balanced alternative to the sequester, and they deserve a Congress where real compromise proves stronger than partisan maneuvering.

If the Van Hollen alternative were to come to the floor for a vote, I would hope that a majority of Members would vote for it. A majority of Democrats certainly would and I believe a substantial number of Republicans who are concerned about our fiscal future.

Hal Rogers, in fact, the chairman of the Appropriations Committee, has opined how much pain the sequester would be causing and how much dysfunction the sequester is. It’s exactly the kind of compromise approach we need, the Van Hollen alternative.

All we’re asking to do, in the immediate term, is for Speaker Boehner to let the House work its will and have a vote on Mr. Van Hollen’s alternative, and to follow regular order and agree to go to conference. That’s what they said they wanted to do. That’s what they said they would do, but they’re not doing it.

It’s time for Democrats and Republicans to work together, in a bipartisan way, to rise to our budget challenges and set our country back on a sound fiscal path.

Let us have regular order. Let us have a vote and let us restore sanity to this House, and replace the sequester with a balanced solution.

Mr. McClintock. Mr. Speaker, last week, the Nation learned of the plight of Sarah Murnaghan, the 10-year-old who will die within weeks unless she gets a desperately needed lung transplant. There are no pediatric lungs available anywhere in the nation that her adult-size lungs would be entirely satisfactory for her condition. But because she’s nearly 11 years old and not 12, the bureaucratic regulations prohibited it.

As Secretary of Health and Human Services, Kathleen Sebelius could have modified those regulations to conform to the judgment of the doctors, but she wouldn’t. Her warm words of sympathy for Sarah and her family at a Congressional hearing last week were horrific: “some live and some die.” Fortunately, a Federal judge intervened and concluded what Sebelius wouldn’t, that the regulations are arbitrary and capricious. Thank God, Sarah is now on the adult transplant list, but the incident provided a glimpse and a look at what health care will be like when bureaucrats like Kathleen Sebelius are making more and more of our health care decisions.

Sebelius constructed a straw man to argue with, and she said that we shouldn’t have public officials making these choices, and a lung provided to Sarah necessarily means a lung denied to someone else. That is utterly disingenuous. Sarah’s family, joined by many Members of the House, were not calling for Sebelius to pick winners or losers but, rather, were calling for her to place the judgment of the doctors ahead of the rigid one-size-fits-all dictats of the Federal bureaucracy in all such cases, not just this one.

The fact is, Ms. Sebelius is picking who lives and who dies. The difference is that she is doing so not by deferring to the judgment of doctors but, rather, by conforming to the cold and rigid regulations that cannot discern between individual cases.

This is the process to which we are about to consign every American as government dictates every detail of their health coverage: sorry, you’re a few months too young or too old. Tough luck, some live and some die.

My chief of staff grew up in the Soviet Union where the first question asked when an ambulance was called was, “Well, how old is the patient?” That’s what they do. They choose who wins and who loses, who lives and who dies, and they do so in a blind, cold, unthinking, and unreasonable manner.

The fact is we don’t want officials making these choices, which is exactly what Ms. Sebelius is doing. Those decisions should not involve the government but, rather, should be determined by the individual judgment of the professional physicians directly involved.

Unfortunately, the Federal Government is currently preventing numerous States from using one of the most important tools we have to fight corruption. Pay-to-play is the practice of trading campaign contributions for lucrative government contracts. Pay-to-play practices erode the integrity of our public works projects and allow individuals to profit at the expense of American taxpayers. It is the most common example of government corruption.

Fortunately, it is also one of the easiest to solve. Anti-pay-to-play laws can ensure that the competitive bidding process for government contracts is open and fair, not rigged or otherwise biased by lining the
campaign pockets of those responsible for awarding the contracts.

Amazingly, a loophole created in a previous administration in the Federal Highway Administration’s contracting requirements is making it difficult, if not impossible, for States to implement strong, effective anticorruption laws. The Federal Government has threatened to cut off highway funds to any State that passes an anti-pay-to-play law. The Highway Administration’s competitive bidding requirements have been interpreted to mean that States can’t weed out corrupt contractors.

Clearly, this was not the intent of Congress when it passed these requirements. That is why I’m reintroducing the State Ethics Law Protection Act. This important measure simply amends the Federal Highway Administration’s contracting requirements to allow States to pass these important laws. It ensures States that do pass anticorruption laws do not face financial penalties for doing so.

It is time for us to make it clear that Congress supports the right of States to fight corruption as they see fit. States have the right to ensure their contracting conforms to the highest ethical standards and offers the best value to taxpayers. It is not the Federal Highway Administration’s place to second-guess a State on how to best ethically award contracts. States like Connecticut, New Jersey, South Carolina, Pennsylvania, and Kentucky have all passed laws since Illinois to root out this kind of blatant corruption.

These States should be applauded, not punished, for doing the right thing. By amending the Federal Highway Administration’s contracting requirements, we can ensure that States have every tool at their disposal to encourage transparency and accountability. Our States have shown they are ready to reform. It is now our duty to ensure they have the ability to implement these reforms.

I am often asked what the true cost of corruption is. I will tell you, in my view, coming from Illinois, it is the loss of the public’s trust. We cannot lead without this trust. And at this critical juncture, we must do all we can to restore trust and inspire the confidence of people across this country.

TRUST, ANTITERRORISM, AND BREACH OF TRUST BY OBAMA ADMINISTRATION

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

Mr. BROOKS of Alabama. The Justice Department targets Associated Press, FOX News, and other journalists. For political reasons, the State Department and White House contrive a false story about Americans murdered in Benghazi. The President promotes rather than fires the principal deceiver. The President promises to punish the Benghazi murderers, yet the only person jailed is a scapegoated filmmaker the White House falsely blamed for inspiring the Benghazi attacks.

Armed Federal SWAT agents raid Gibson Guitar and threaten to put Gibson Guitar out of business. Why? Gibson Guitar imports the same guitar materials they have imported for years; yet Martin & Company, a Gibson Guitar competitor, imports the same guitar materials with impunity. The difference? Gibson Guitar contributes to Congresswoman MARSHA BLACKBURN and Senator LAMAR ALEXANDER of Tennessee, while Martin contributes $35,000 to Democrats.

The IRS targets law-abiding citizens who use names like “Tea Party” and “Patriots” and dare exercise their freedom of association and speech rights. In one particularly outrageous example, Texan Catherine Engelbrecht is investigated and harassed by the IRS, the FBI, the Occupational Safety and Health Administration, and Alcohol, Tobacco, and Firearms. Why? Engelbrecht founded the King Street Patriots, which hosts weekly discussions on economic freedom, and True the Vote, which trains volunteers to fight voter fraud.

Mr. Speaker, the White House can still do the right thing, but the right thing is not coverups. The right thing is not rewarding and promoting political cronies and lawbreakers. The right thing is, with full and open candor, telling the American people the truth about these scandals. The right thing is very publicly and aggressively firing offending Federal employees. The right thing is very publicly prosecuting lawbreakers. Then and only then will the trust of the American people in the Federal Government be restored. Then and only then can America fight the war on terror with certainty that we will win.
transformation individuals are capable of when they desire to make positive change in their lives and when they're supported in that effort.

From a life dominated by gun violence in the streets of Richmond to noise buried in books at college internships in Washington, D.C., and meetings on Capitol Hill, these young men have come a long way. I wish them the best. I hope their success will serve as an inspiration for many more to follow in their steps and leave the violent streets.

**THE SPYING DRONE OVER A VIRGINIA NEIGHBORHOOD**

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

Mr. POE of Texas. Mr. Speaker, last week, just after suppertime in a neighborhood in McLean, Virginia, a 14-year-old girl—we'll call her Sarah—was jumping on a neighbor's backyard trampoline. Suddenly, Sarah heard a noise and looked up, only to see a low-flying object hovering overhead. It looks like a small, remote-controlled flying object. It was a drone. It had a blinking red light coming from it.

The object hovered over her for about 10 minutes. She began to get real nervous and uneasy. So she jumped off the trampoline and ran home to tell her parents, but the flying object continued to follow her. She told her mother. So her mother walked outside into the street and observed the flying object. Suddenly, the object moved away into another neighbor's backyard, where three other teenage girls were sitting in the pool. The small drone hovered over them momentarily, then it moved away.

The police were called. They arrived and saw the flying object hovering overhead. It looked something out of a sci-fi movie—someone up there flying a drone.

Mr. Speaker, drones are easy to find and easy to obtain. With a simple Google search, you will find out that one can buy a drone on eBay or go down the street and buy one at Radio Shack.

According to the FAA, the group that monitors and issues permits for drones, by 2030, there will be 30,000 drones flying over America. We will not know who they are, what they're up to, what they're looking at, or what their purpose is, whether it's permitted or really not permitted, whether it's lawful or unlawful. At least we won't know who's flying those drones.

There are legitimate uses for government and private citizens for the use of drones, but a nosey neighbor or snooping government should not be able to spy on citizens without legal guidelines.

As technology changes, Congress has the responsibility to be proactive and protect the Fourth Amendment right of all citizens—"the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." Thus sayeth the Constitution.

Nowadays especially, Americans are concerned that Fourth Amendment rights being taken away. Well, no kidding. The right of a reasonable expectation of privacy is a constitutional right. The general rule is snooping, spying, surveillance, or eavesdropping goes against the basic rights outlined in the Constitution. That is why I have introduced the Preserving American Privacy Act, along with Representative ZOE LOFGREN from California.

Congress must be proactive in protecting the rights of civilians from private use and government use of drones. This legislation balances individual constitutional rights with legitimate government activity and the private use of drones. The bill sets forth clear guidelines, protects individual privacy, and informs peace officers so they will know what they can and cannot do under the law.

There will be limits on government use of drones so that the surveillance of individuals or their property is only permitted or conducted when there is a warrant based on probable cause, as the Constitution requires.

Of course there will be exceptions. They are called exigent circumstances, which is already in our law, and these will apply, as it does now, regarding search and seizure. Those exceptions include fire and rescue, monitoring droughts and floods, assisting in other emergency cases, or to chase a fleeing criminal.

The bill also allows for the use of drones for border security. The bill also sets forth guidelines for the private use of drones. Basically, private citizens cannot use drones to spy on others without consent of the landowner or that person.

Congress has the obligation to set forth guidelines, to secure the right of privacy, and protect citizens from unlawful drone surveillance while maintaining lawful private and government use.

Drones laws are needed because a Peeping Tom should not be able to spy on young girls who are in the privacy of their backyards just because the Peeping Tom has the ability to do so. And that's just the way it is.

**STUDENT LOAN INTEREST RATES**

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

Ms. SINEMA. Mr. Speaker, Brandie Reiner, Jack Welty, Andy Albright, Diego Soto, Anthony Carly, Ellen Hamilton, Rachel Carlos, Joe Slaven, Brandy Pantilione, Gary Brewer, Christopher Valles—these are the students and college graduates from Arizona State University, my alma mater, who shared their stories with me. Some of these young adults are my students at Arizona State University where I teach. Some are recent graduates. Some are thinking of starting a family, while others are working hard to care for the family they already have.

What do these graduates want? They just want a fair shot. They want to know that their hard work in college mattered, that it led to the promise that their parents made to them when they were little, that they believe in: if you work hard and play by the rules, you will succeed. Essentially, they want what each of us wanted for ourselves, what we want for our own kids, what we're working for in our districts. They want a shot at the American Dream.

Instead, Brandie Reiner begins her life and career as a social worker—having just graduated from ASU last month—she will face the biggest financial hurdle of her life. She doesn't have to face massive medical bills or an expensive car loan. It's not rent or a mortgage payment. It's a bill for over $100,000 in student loans. Eighteen days—18 days—that's all the time we have to stop student loan interest from doubling. Eighteen days makes a lot of difference to the young people who will have to pay thousands of additional dollars to the Federal Government at a time in their lives when those dollars matter the most.

Christopher Valles has $20,000 in debt, and he's just a freshman; Gary Brewer, $57,000 in debt; Kent Pogg, $70,000; Sara Cureton, $74,000.

The Federal Reserve has noted that the U.S.' $1 trillion in student debt is further constricting our economy. Young people are foregoing long-term job opportunities and homeownership in order to meet the urgent demands of their large student loan payments. And that's before they work hard to find jobs in this recession that they didn't cause. Congress debates whether to force students to pay more in order to pay down Congress' debt.

Brandie, Christopher, Gary, Kent, Sara—these graduates should not have to foot the bill for Congress' failure. In 18 days, I want to go back to Arizona and tell these students that I took their stories to Congress and that their stories mattered, that their experiences made a difference.

I challenge us, all of us: Republicans, Democrats, Senators, Representatives. I challenge us to stand together and do the right thing. Stop the finger-pointing and the cynical posturing. Instead, we must act together to keep student loan interest rates affordable. The clock is ticking. There's no time to waste.
PATRIOT ACT

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

Mr. LABRADOR. Mr. Speaker, during the past week, we have heard about a series of major violations of our civil liberties, including the fact that NSA is collecting the telephone records of tens of millions of Americans. This wholesale snooping on innocent Americans is an unacceptable violation of one of our most basic freedoms—the right to privacy and to be free from government surveillance. So, one of my many unintended, but predictable consequences of the USA PATRIOT Act.

I proudly voted against reauthorization of the PATRIOT Act three times because of its potential for abuse, and more people are starting to see that.

During the Bush years, many Republicans ignored that truth; and in the Obama era, many Democrats have ignored it, and are doing business and playing with friends. Despite her young age, Zulema frequently, with bare hands, wields adult-sized harvesting shears. When crop dusters fly overhead, she is often covered in pesticides meant to kill insects in the field. In spite of Zulema’s exposure to these serious and dangerous conditions, she takes home to her struggling family a mere $64 a week.

We’ve all heard about the IRS scandal, some of the most powerful agencies in the government, deliberately targeted conservative organizations for audits and other forms of harassment.

We’ve all heard about what happened with FOX News reporter James Rosen, who was targeted by a foreign agent or located abroad, you can see how the FBI could be tempted to collect broad swaths of data concerning Americans’ phone calls to detect patterns of activity, as many analysts suggest may have happened in this case. That is why, last Thursday, I joined several of my House colleagues in sending a letter to FBI Director Mueller and NSA Director Alexander requesting more information concerning their data collection activities.

Given public outrage about the NSA’s abuse of power, it is time for Congress to reexamine all sections of the USA PATRIOT Act, and I am hopeful my colleagues will join me in starting that reexamination.

Now is the time to work together to reduce the scope of government power before it becomes so large and so impenetrable that regaining our freedoms becomes an impossible task. Now is our moment, and we must seize it.

CHILDREN’S ACT FOR RESPONSIBLE EMPLOYMENT

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

Ms. ROYBAL-ALLARD. Mr. Speaker, today is International Day Against Child Labor, which gives us the opportunity to reflect on the plight of hundreds of millions of children through our world who perform work that endangers their health, deprives them of an adequate education, and denies them basic freedoms and protections.

Unfortunately, the United States is not immune to the scourge of child labor. Long hours and dangerous working conditions are, sadly, a reality for hundreds of thousands of children working in our country’s fields and farms.

Throughout our Nation, there are children like Zulema, who at age 12 works in the fields picking fruits and vegetables, while her classmates spend their time doing their homework and playing with friends. Despite her young age, Zulema frequently, with bare hands, wields adult-sized harvesting shears. When crop dusters fly overhead, she is often covered in pesticides meant to kill insects in the field. In spite of Zulema’s exposure to these serious and dangerous conditions, she takes home to her struggling family a mere $64 a week.

Our farming industry is alarmingly plagued by preventable tragedies like the one in Mount Morris, Illinois, where a 14-year-old boy cleaning a grain bin suffocated to death when he was sucked into a sinkhole of flowing corn. Tragic accidents like this underscore the fact that agriculture is one of our Nation’s most hazardous industries. Yet it is the only industry in which our children are not protected equally by our child labor laws.

While reserved for adults in every other occupation in agriculture, children as young as 16 are allowed to perform hazardous work, like driving tractors and operating chain saws. It is also the only industry in which children as young as 12 are allowed to labor in the fields with virtually no restrictions on the number of hours they work outside of the school day.

To address this shameful reality in our country, I am reintroducing the Children’s Act for Responsible Employment, better known as the CARE Act. While retaining current exemptions that protect family farms and agricultural education programs like 4-H and Future Farmers of America, the CARE Act raises labor standards and protections for farmworker children to the same level set for children in all other occupations.

Specifically, the CARE Act ends our country’s double standard that allows children employed in agriculture to work at younger ages and for longer hours than those working in all other industries. The bill raises the minimum age for agricultural work to 14 and restricts children under 16 from work that interferes with their education or endangers their health and well-being. The CARE Act also prohibits children under the age of 16 from working in agricultural jobs which the Department of Labor has declared particularly hazardous. This is consistent with current law governing every industry outside of agriculture.

Mr. Speaker, no child should be discriminated against on the work they do. All of America’s children deserve to be protected equally under our laws. It is our moral obligation to do
Ms. HAHN 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.

WELCOMING COLONEL ANDREW GIBSON

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

There was no objection.

Mr. MICHAUD. Mr. Speaker, I rise today to welcome Colonel Andrew Gibson as today's guest chaplain.

Colonel Gibson is from Pittsfield, Maine. He is a decorated veteran who served in the Maine Army National Guard for 25 years. Before being deployed to Afghanistan in 2006, he served in Bosnia in 1997 as one of the first two National Guard chaplains to ever be deployed to a hostile fire zone.

Currently, Colonel Gibson is the Joint Forces Headquarters Maine chaplain and the director of Deployment Cycle Support. In these roles, he oversees the spiritual needs of the Maine Guard’s soldiers and families. He also coordinates a team of health professionals who provide support to our servicemembers, veterans, and military families.

Colonel Gibson’s service also extends deep into our communities. He is a key organizer of Maine’s annual Interfaith Prayer Breakfast. Colonel Gibson is a true asset to our State of Maine and our country. I’m proud that he is my constituent, and it’s an honor to have him deliver today’s prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PATRIOT ACT

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

Mr. MASSIE. Madam Speaker, I rise today to implore my fellow Congressmen to wake up. Can’t we see what’s happening?

In just the past month, we discovered that the NSA is snooping on millions of innocent Americans using the PATRIOT Act. Congress wrote the PATRIOT Act. The IRS is targeting conservative groups. Congress created the Tax Code. And the DHS has stockpiled 200 million hollow-point bullets. Congress just funded DHS last week. Do you want me to be surprised? I’m not surprised. I’m outraged. But what’s happening here?

In each case of executive overreach, Congress gave an inch and the executive branch took a mile. This is our chance to get it right.

THE BUCK MUST STOP SOMEWHERE

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

Mr. ROGERS. Madam Speaker, where is the accountability? The Justice Department monitoring reporter emails, the trust Americans should have in their government is being shaken, and for good reason.

It’s unfortunate we’re spending time and resources searching for answers from our own leaders. Americans have questions like: Has the President been completely transparent about the Benghazi attacks? Who ordered the IRS to target conservative groups? Were more reporters monitored by the Justice Department?

The AP and FOX News? Did Attorney General Eric Holder mislead the U.S. Congress?
Because of his failed leadership on this and other scandals like Operation Fast and Furious, I have called on Eric Holder to resign. The buck has to stop somewhere. It’s time for the Obama administration to come clean with the American people.

NATIONAL DEFENSE AUTHORIZATION ACT ADDS PROTECTIONS FOR VICTIMS OF SEXUAL ASSAULT

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

Mr. BARBER. Madam Speaker, this week, we will vote on the National Defense Authorization Act. As we debate this important legislation, we must keep in mind the deeply troubling problem of sexual assault within our military.

The vast majority of men and women who are in our armed services serve us with dedication and distinction, but their dedication is undermined by those who commit sexual assaults. Last year, nearly one out of every 16 Active Duty women reported having been the victim of an unwarranted sexual contact. This is a destructive admission.

Last week, in a truly bipartisan manner, the Armed Services Committee produced a bill that we will debate today. It prohibits the dismissal or reduction of guilty verdicts in sexual assault convictions. It makes sure that those who are found guilty of these heinous crimes will be discharged from the military, and adds other important protections for victims of sexual assault.

As leaders, we have a duty to protect those who protect us.

UNACCEPTABLE VIOLATIONS OF OUR FUNDAMENTAL RIGHTS

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

Mr. MESSER. Madam Speaker, “Those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.” Ben Franklin uttered those words several minutes and to revise and extend his revision to address the House for 1 minute.)

Mr. CARNEY. I rise today to pay tribute to a fallen soldier from my home State of Delaware.

Last week, I joined the family of Warrant Officer Sean Mullen at Dover Air Force Base to witness the dignified transfer of his remains. Sean, whose family resides in Dover, Delaware, was killed earlier this month in Afghanistan. He was on his sixth tour of duty. He leaves behind his wife, Nancy, and a life full of service, loyalty, and courage.

As I stood with Sean’s mother, Mariam, through her tears, she asked me to do one thing. She said, “Let the people know what these men and women go through. Let them know what they do for their country.”

That’s why I’m here on the floor today—to do what this Gold Star mother asked me to do, which is to remember the hundreds of thousands of Americans who have volunteered out of a sense of patriotism and selflessness to put themselves in harm’s way in service to their country.

So to Sean Mullen and to his heroic brothers and sisters in arms who have given their lives to protect ours, I stand here today to say thank you, and may God bless you.

ADOPTION TAX CREDIT

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

Mr. COTTON. Today, I want to highlight another potential IRS abuse, namely, unfair audits of adoptive parents who filed for the Adoption Tax Credit.

We’ve all heard about the abuse of conservatives, Christians, and other groups, but fewer people know the alarming story of families who use the Adoption Tax Credit to offset some of the high costs of adoption.

According to the IRS’ own Taxpayer Advocate Service, 90 percent of those who filed for the Adoption Tax Credit last year were flagged for additional review. Nearly 70 percent were audited, but only 1 percent of all audit claims were disallowed in the end. By contrast, only 1 percent of all tax returns are audited.

Adoptive parents are loving, selfless Americans who are simply trying to provide a safe and loving home for kids in need. An adoption is a reflection of the boundless compassion of our country, and it helps save innocent unborn lives that may otherwise be ended by abortion.

We should do all in our power to encourage adoption, not to discourage it through bureaucratic runarounds. I urge the Congress to get to the bottom of this unfair treatment of adoptive parents.

ARMY SERGEANT MARIBEL MANRIQUEZ RAMOS

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

Ms. LORETTA SANCHEZ of California. I rise today to honor Sergeant Maribel Manriquez Ramos, a resident of my district who was laid to rest this past week.

Her dedication was displayed in her many promotions, commendations, and medals earned during deployments to imminent-danger areas like Korea and Iraq. Sergeant Ramos served her Nation with both duty and honor both at home and abroad. Back home, she was set to receive a degree in criminal justice from Cal State Fullerton this May. During her enrollment at the university, she served as an inspiration to other veterans in the pursuing of their dreams through higher education.

Unfortunately, our heroic Sergeant Ramos died at the age of 36. She is a hero because of the way she lived her life. She lived a life of honor and service both as an Army sergeant and as a community leader.

To her family, I convey the deepest sympathies from all of the community. May she never be forgotten.

JOBS AND ECONOMIC GROWTH

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

Mrs. ROBY. Madam Speaker, I rise to discuss an issue that matters to all Americans—jobs and economic growth. The story got buried with all the breaking news of last week; but last month’s job numbers are in, and they aren’t good.

On the surface, the U.S. economy adding 175,000 jobs might sound like good news; but look deeper, and you’ll see troubling indicators for our economy. Manufacturing actually lost 8,000 jobs in total. This recovery is so weak by historic standards that it has produced 4 million fewer jobs than any other recovery since World War II.

Madam Speaker, this isn’t real recovery. If we are going to improve this economy and create jobs, we need less government and more freedom. Every day, House Republicans are seeking solutions to grow the economy. Let’s make life work for families across the country and let’s expand opportunities for everyone without expanding government.

ENDING SEXUAL ASSAULT IN THE MILITARY

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)
Ms. GABBARD. I was very proud after 9/11 when I enlisted in the Hawaii Army National Guard; proud to continue serving as a captain in that same unit; proud when I was a private that I went to Fort Jackson, South Carolina, in basic training and learned about the Army values of respect, integrity, and honor; proud to be a part of an organization in which strong, unbreakable bonds of trust exist between my brothers and sisters in uniform. But I am not proud that we as a country have allowed an epidemic of sexual assault in the military to continue to such great lengths today.

I feel it is my responsibility to my brothers and sisters in uniform to take action to address this issue, and it is why I have introduced a bill to have a fair, independent, and transparent process to bring justice for these survivors and to prosecute those who are guilty.

We’ve seen calls to action from communities across the country—headlines from The Washington Post, The New York Times, USA Today, and from my own local newspaper, the Honolulu Star-Advertiser—each calling for us as our own local newspaper, the Honolulu Times, USA Today, and from my communities across the country—headlines survivors and to prosecute those who are guilty.

AN ALGORITHMIC SOLUTION TO THE BOLTZMANN EQUATION

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

Mr. MCMINN. Madam Speaker, I rise today to announce a new advancement in mathematics: an algorithmic solution to the full Boltzmann equation that has taken 140 years to solve.

The full seven-dimensional Boltzmann equation provides a crucial link between the microscopic, or quantum, behavior of atomic particles on the one hand and the behavior of matter that we humans observe on the other hand. It does this by predicting how gaseous material responds to external influences, such as changes in temperature and pressure, quickly settling to a stable equilibrium.

The solution to this equation gives us an understanding of grazing collisions, when molecules glance off one another, which is the dominant type of collision. The algorithm uses a range of geometric fractional derivatives from kinetic theory.

I congratulate the authors, Philip Grossman and Robert Strain, from the University of Pennsylvania on this advancement; and I commend the National Science Foundation for supporting these scientists in their work.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO

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

Mr. BUTTERFIELD. I rise today to draw attention to the Congressional Renewable Energy and Energy Efficiency EXPO being held here today.

For my constituents in North Carolina, investing in new forms of energy and improving efficiency can create jobs and reduce costs. The estimated 850,000 jobs in renewable energy industries are continuing to grow.

Triangle Biofuels Industries in Wilson, North Carolina, continues to expand each year; the Biofuels Center of North Carolina, located in Oxford, is working to replace 10 percent of the petroleum used in our State with locally produced biofuels; and a proposed Chenmax plant stands to bring more than 300 direct and indirect jobs and increase revenue for local farmers by $1.5 million annually.

This project would not be possible without a $99 million loan guarantee from USDA.

OBAMACARE

(Mr. COLLINS of New York asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of New York. Madam Speaker, I come to the House floor today to share real-life examples from my district concerning the growing trend happening all across this country because of ObamaCare.

My office recently received a call from Colden Repka, a 23-year-old from Attica, New York. Colden works 30 hours a week for a manufacturer while carrying a full college course load. Colden’s boss recently told him his weekly hours would be cut from 30 to between 20 and 25 in order to avoid the ObamaCare employer mandate, despite Colden staying on his parents’ health insurance policy.

Just last week, Richard Markel from Clarence, New York, called my office with a similar concern. Richard is a man just trying to make some extra money for his family. His regular 32 hours per week are being reduced to less than 25 to avoid the perverse mandates of ObamaCare.

Madam Speaker, Americans want to get back to work. Unfortunately, ObamaCare’s onerous regulations are hitting employees in ways many did not expect and it’s just the beginning.

This country is realizing that ObamaCare is a train wreck. Just ask Colden and Richard.
IN RECOGNITION OF THE OUTSTANDING STUDENTS FROM MORNINGSIDE MIDDLE SCHOOL

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

Mr. VEASEY. Madam Speaker, I rise today to congratulate eight outstanding students in southeast Fort Worth that attend Morningside Middle School in Fort Worth, Texas. Lexi Stanford, Tomas Altimirano, Alex Delgadillo, Carei Frank, Yontrell George, Jennifer Huynh, Adair Medina, and Paola Rios were all contenders in the Junior National Academic Championship.

This is the first time that students from the 33rd Congressional District's Morningside Middle School participated in the qualifying competition, nicknamed the "Whiz Quiz" competition and also the GE College Bowl, which has been a tradition in the Fort Worth Independent School District since 1978. This challenge of knowledge requires middle school and high school academic teams to accurately answer brain-stretching questions faster than their opponents.

On May 31, these eight students traveled to Washington to compete against other schools across the Nation in the larger Junior National Academic Championship. I would once again like to commend these students on a job well-done and encourage them to continue excelling in their academic pursuits.

REPUBLICAN SOLUTIONS FOR JOBS

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

Mr. CHABOT. Madam Speaker, according to last week's jobs report, nearly 12 million Americans—12 million of our fellow citizens—are out of work. That's simply unacceptable.

The American people deserve better than a constant parade of job-destroying regulations coming out of Washington. They deserve better than a government that continues to spend us further into debt.

The American people deserve solutions that will create jobs today, and that's what the House Republican plan is all about. We have a plan to grow our economy and secure the future for all Americans. We want to rein in massive government spending and reform the Tax Code to make it simpler and fairer for all Americans. That's the House Republican plan. It's one of growth, prosperity, and unlimited opportunities for all Americans.

We want to reduce red tape and allow them to create jobs.

REPUBLICAN SOLUTIONS FOR JOBS

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

Mr. HULTGREN. Madam Speaker, can you blame the American people for being dissatisfied with Washington? The greatest issue facing our country is the need to create jobs and grow our economy, but what do the American people see? A government run amok.

House Republicans know how important it is to hold the government accountable to the people. After all, that's where power comes from in a democracy. And we know that we can't grow our economy with massive, bloated bureaucracy standing in the way.

House Republicans are committed to clearing out the underbrush, cutting waste, and fixing broken government. It's our constitutional duty to provide effective oversight of the executive branch, and that's just what we're going to do. That's how we secure a good future for all Americans.

REPUBLICAN SOLUTIONS FOR JOBS

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

Mr. HENSARLING. Madam Speaker, regrettably for the American people, they see a nonrecovery recovery. Millions of our fellow citizens remain unemployed and underemployed. That's why House Republicans are working to make the Tax Code fairer, flatter, simpler, more competitive, so America can go back to work, but so far we're hearing silence from the White House. We want red tape reform. That is strangling small business people.

Madam Speaker, I heard one small business person in my district say, "It's just like the Federal Government doesn't want me to succeed." We need to unchain them. We need to cut the red tape and allow them to create jobs.

Finally, the Affordable Care Act is not affordable for our American citizens. It is not affordable to small businesses. It is harming job creation and costing trillions of dollars and potentially millions of jobs. Republicans want to repeal it.

This is an agenda to help create jobs for America when Americans need growth, hope, and opportunity.

STUDENT LOAN RATE HIKES

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

Ms. FOXX. Madam Speaker, on July 1 of this year, student loan interest rates are set to double.

This doesn't have to happen, though, and it won't if President Obama and Senate Democrats choose to work with House Republicans on a bipartisan solution.

Unlike the Senate, the House of Representatives successfully acted to stop the unnecessary rate double. The President and Senate should follow our bipartisan example and build off the Smarter Solutions for Students Act.

Despite the White House whiplash on this issue, our legislation is very similar to President Obama's own budget proposal. It will prevent rates from doubling, allowing students to benefit from low rates and protect low- and middle-income students.

The House acted in a way that satisfies the President's original criteria for a long-term, market-based plan. We welcome the Senate to get on board.

Preserving this problem just to be able to campaign on the issue year after year would be a true disservice to every student and taxpayer.
the bill (H.R. 2167) to authorize the Secretary of Housing and Urban Development to establish additional requirements to improve the fiscal safety and soundness of the home equity conversion mortgage insurance program.

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

H.R. 2167

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 “Reverse Mortgage Stabilization Act of 2013”.

SEC. 2. ADDITIONAL SAFETY AND SOUNDNESS REQUIREMENTS FOR HOME EQUITY CONVERSION MORTGAGE INSURANCE PROGRAM.

Subsection (b) of section 256 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) establish, by notice or mortgagee letter, any additional or alternative requirements that the Secretary, in the Secretary’s discretion, determines are necessary to improve the fiscal safety and soundness of the program authorized by this section, which requirements shall take effect upon issuance.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HENSARLING) and the gentleman from Washington (Mr. HECK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and submit extraneous materials for the Record on H.R. 2167 currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of the bipartisan H.R. 2167, the Reverse Mortgage Stabilization Act of 2013, introduced by our colleagues, Mr. HECK of Washington and Mr. FITZPATRICK of Pennsylvania.

H.R. 2167 recovers authority to the Secretary of Housing and Urban Development to make administrative and policy changes to the FHA’s Home Equity Conversion Mortgage Program through a mortgagee letter rather than the arduous 18-month regulatory process. The bill sets conditions that FHA can only use this new authority when immediate changes are necessary to improve the fiscal safety and soundness of the program. And, Madam Speaker, immediate changes that improve the fiscal safety and soundness of this program are exactly what is needed.

In our efforts in this Congress and on the Financial Services Committee to help create a sustainable and competitive housing finance system for Americans, our committee and its Housing and Insurance Subcommittee have held a series of hearings this year on the financial problems at the FHA.

In its current form, FHA is most definitely an inadequate and unsustainable and competitive housing finance system. Because of this, the Financial Services Committee has been working to examine needed reforms to FHA, reforms that go beyond its fiscal solvency and address serious structural flaws at the FHA.

There is one thing that we know for certain about FHA: the FHA is not just broke; regretfully, it is bailout broke. This is not just my conclusion; it is the conclusion of the annual independent actuarial study of the FHA’s Mutual Mortgage Insurance Fund—the government fund that insures the FHA’s single-family mortgages. This actuarial study shows us “the economic value of the fund as of FY 2012 is negative $13.48 billion.”

The same actuarial report states that the economic value of the Home Equity Conversion Mortgage portion of the fund—which H.R. 2167 addresses—is “negative $2.8 billion.” Again, bailout broke.

Madam Speaker, H.R. 2167, which has strong bipartisan support, is a first and modest step in stemming substantial losses from FHA. It provides the tools needed to address these immedi-ately address serious and significant flaws with its Home Equity Conversion Mortgage Program that threaten hard-working taxpayers with being forced to fund yet another Washington bailout.

That’s why, Madam Speaker, I urge the passage of H.R. 2167 today. The Secretary of HUD has testified that HUD needs this authority from Congress to make immediate changes. As I said, without H.R. 2167, it could take up to 18 months, perhaps even longer, for changes to be made, during which the FHA would continue to lose money.

I thank the bipartisan supporters and authors of this bill for their leadership and for their support in order to help protect taxpayers and improve and re-form the FHA program.

I reserve the balance of my time.

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

I would like to begin by reciprocating and thanking the gentleman from Texas for his leadership on this issue, and perhaps as notably the gentleman from Pennsylvania for his leadership and cooperation and collaboration in helping to solve this important problem. I thank you, sir. And, more importantly, I thank you on behalf of the many people who will benefit as a result of our action here today.

Madam Speaker, currently the Federal Housing Administration underwrites 100 percent of all reverse mortgages. Let me say that again. The Federal Housing Administration underwrites 100 percent of all reverse mortgages, and that is a program that is deeply troubled, as enumerated by the capable chair of the Financial Services Committee.

And so if you believe, as I do, that reverse mortgages are a financial product that actually ought to be available to some people, but under appropriate circumstances and conditions, it’s all the more important that we enact H.R. 2167 today, and not just because TV pitchmen—let’s see if I can name them all—James Garner, Henry "the Home" Winkler, Fred Dalton Thompson, Pat Boone, and Robert Wagner—entreat our elderly to do so, but because this legislation is very important.

So the question is, as with all legislation: What’s the problem? There’s probably no better statement of the problem than is represented in this chart which says that 7 percent of the FHA’s portfolio is related to reverse mortgages, but 17 percent of their portfolio their portfolio is underwater. It is attributable to reverse mortgages. That is a stark, salient representation of why this legislation is needed.

I might add, frankly, if that were to happen, that reverse mortgages across all, just the going forward, 30-year fixed mortgage market, it would be even more stark. This is against all products.

So what’s the solution? As the chair indicated, it is to give the FHA the authority through mortgagee letter to adopt certain reforms. The alternative is to wait and to endure the arduous rulemaking process.

I had an agency in the office the other day for which I had a problem, and I sought a solution through the rulemaking process. I asked them, what’s the minimum amount of time that would be required for adoption of rules, and they indicated the best of circumstances would be 18 months—sighed, paused—then said more like 24 to 36 months. We can’t wait that long, Madam Speaker.

So what are those reforms that are likely to be adopted via mortgagee letter at the FHA? I think most notably, it would require a financial assessment of potential borrowers to ensure that this financial product is suitable for them. There are others as well. It may reduce the amount of funds granted up front to the borrower, and it may require escrow for provision of payment of taxes and insurance, something that is not uncommon in the mortgage industry.

But the financial assessment portion that very well may ensue as a result of passage of this legislation, it’s important to note that that is a tool and technique used by the VA when it underwrites reverse mortgages. Let me say that again. The VA uses this tool to underwrite reverse mortgages. And how much of a problem does the VA have with reverse mortgages? Zero. Zero.

So we know with a virtual certainty that this solution which the gentleman from Pennsylvania and I bring to you today will solve the problem.
Finally, let me just say this is a twof er. We don’t often get the opportunity for a twof er. This will extend some consumer protection insofar as there are consumers who will not purchase or who will purchase under different terms and conditions this product is not as risk as they are today. And, secondly, it will inarguably improve the portfolio of the FHA. So, ladies and gentlemen, I treat you to vote “yes,” and I thank once again both the chair of the committee and the gentleman from Pennsylvania.

I reserve the balance of my time.

Mr. HENSAHLING. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the vice chair of our Oversight and Investigations Subcommittee, and the lead cosponsor of this bill.

Mr. FITZPATRICK. Madam Speaker, I rise in support of H.R. 2167, a bill that I was very happy to work on with the gentleman from Washington. It’s an example of us able to work in a bipartisan way on important legislation that can institute good, commonsense reforms on an important program for America’s seniors.

This bill is very simple. It allows HUD to institute some needed reforms to the Home Equity Conversion Mortgage Program, better known as reverse mortgages, using an expedited process. The legislation requires that any changes to the program being made using the authority contained in this bill must be done to improve the fiscal safety and soundness of the reverse mortgage program.

There is concern on both sides of the aisle about the financial health of FHA. Last November, FHA released its annual report to Congress on the financial status of the Mutual Mortgage Insurance Fund. There are some significant shortfalls, and the Financial Services Committee and the chairman have been diligently examining the problems there and what actions that Congress may need to take.

The Home Equity Conversion Mortgage Program is one of those areas that must be reformed, and this bill is going to help the HUD Secretary take some critical steps to ensure the long-term stability of that program.

Madam Speaker, it is important that we make improvements to FHA’s HECM program to ensure that reverse mortgages remain an option for seniors. When used appropriately, a reverse mortgage can help seniors pay off debts; deal with unexpected events, including health emergencies; and improve or maintain quality of life.

It can be an important financial tool for folks like Robert and Fran Ciccia of Bristol Township in my district who, because of this program, had access to equity that they used to make their lives and their retirement better—their equity that they used to make their retirement better—their equity that they used to make their retirement better—because of this program, had access to equity that they used to make their retirement better.

FHA insurance makes these products widely available, while protecting against predatory practices. By using the authority granted in this act, the Secretary of HUD has suggested reforms that protect taxpayers by making the HECM program more fiscally sound, while increasing consumer protections for seniors who may want to take advantage of a reverse mortgage.

So, Madam Speaker, I urge my colleagues to support the legislation. I appreciate the opportunity to work with the gentleman from Washington on this bill.

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

Mr. HENSAHLING. Madam Speaker, I’m ready to close. I just simply want to thank my two colleagues for their bipartisan leadership on this bill, something that is going to be very important to sustainable housing, the fiscal sanity of the FHA, and for a number of our consumers as well. I urge the House to adopt the bill.

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. HENSAHLING) that the House suspend the Rules and pass the bill, H.R. 2167.

The question is 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.

BUSINESS RISK MITIGATION AND PRICE STABILIZATION ACT OF 2013

Mr. HENSAHLING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 634) to provide end user exemptions from provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes, as amended. The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 634 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 “Business Risk Mitigation and Price Stabilization Act of 2013.”

SEC. 2. MARGIN REQUIREMENTS.

(a) COMMODITY EXCHANGE ACT AMENDMENT.—Section 6(e) of the Commodity Exchange Act (7 U.S.C. 6(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraph (2)(A)(ii) and (2)(B)(ii), including the initial and variation margin requirements imposed by rules adopted pursuant to paragraphs (2)(A)(ii) and (2)(B)(ii), shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A), or an exemption issued under section 4(c)(1) from the requirements of section 2(h)(1)(A) for cooperative entities as defined in such exception, or satisfies the criteria in section 2(h)(7)(D).”.

(b) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), as added by section 79A(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii), including the initial and variation margin requirements imposed by rules adopted pursuant to paragraphs (2)(A)(ii) and (2)(B)(ii), shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 30(g)(1) or satisfies the criteria in section 30(g)(4).”.

SEC. 3. IMPLEMENTATION. The amendments made by this Act to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 41, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HENSAHLING) and the gentleman from Michigan (Mr. PETERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSAHLING. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the Record on H.R. 634, 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. HENSAHLING. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, H.R. 634, the Business Risk Mitigation and Price Stabilization Act of 2013, is bipartisan legislation. It will help provide America’s job creators with certainty so that they can invest more in our still-struggling economy and help create desperately needed jobs for the millions who remain either unemployed or underemployed.

Again, when our so-called recovery has produced 4 million fewer jobs than the average recovery of the last 70 years, clearly nothing is more important than finding solutions that will help grow our economy and create new and better jobs for those who need them.

Americans want and deserve a healthier economy and a more secure economy, and we must make improvements to the Commodity Exchange Act to ensure that business risk mitigation and price stabilization are in place.
future. But, regrettably, all too often Washington, either inadvertently or on purpose, creates piles and piles, mountains upon mountains of unnecessary red tape for our entrepreneurs or small business people and our job creators.

Quite often, Madam Speaker, this institution, as a result of the Dodd-Frank Act, has made growth and job creation more difficult. But the bipartisan bill before us today is helpful. It is needed to help protect manufacturers, ranchers, thousands of Main Street businesses across the Nation, who are already bearing this unnecessary regulation.

One manufacturer told the Financial Services Committee earlier this year, a Mr. Thomas Deas, who works for a chemical manufacturing company in Pennsylvania, he testified before our committee that without H.R. 634, manufacturers and other end-users of derivatives would be forced to comply with unnecessary regulation that he said ‘‘means less funding is available to grow their businesses and expand employment.’’

Not approving the Dodd-Frank Act, regardless of its relative merit, it did at least make clear that Congress intended that manufacturers, ranchers, and, again, Main Street businesses that this bill is intended to address, that they would not be subject to certain regulations regarding margin requirements for end-users of derivatives.

Still, despite Congress’ clear intent on the subject, such requirements have been proposed by Washington regulators. And so this resulting legislation would contain provisions that would modify and provide greater clarity to the Dodd-Frank Act regarding the intentions of Congress in dealing with the end-user exemption.

We heard from Federal Reserve Chairman Bernanke, who stated before the Senate Banking Committee earlier this year that because the Dodd-Frank Act is ‘‘a very big, complicated piece of legislation’’ that regulators like the Federal Reserve needed ‘‘clarity’’ from Congress on what ‘‘to do about end-users.’’

So H.R. 634 provides that clarity by stating clearly that end-users of derivatives shall be exempt from the onerous margin requirements imposed by Title VII of the Dodd-Frank Act.

As I said earlier, Madam Speaker, this is a bill with very strong bipartisan support. The Financial Services Committee reported this bill out of committee on a recorded vote of 59-0.

Likewise, the Agriculture Committee approved this bill on a voice vote, meaning it has received no opposition in either committee.

And, Madam Speaker, I should note that this substantially similar legislation was overwhelmingly passed by the House last year with 370 bipartisan votes.

In closing, I want to thank our colleagues, Agriculture Committee Chairman Frank Lucas, for advancing this bipartisan bill on which our committees share jurisdiction, and I also want to thank the bipartisan supporters of this bill, particularly the gentleman from New York (Mr. Grimm) and the gentleman from Michigan (Mr. Peters), who are outstanding leaders in our committee, as well as the gentleman from Georgia (Mr. Austin Scott), the gentleman from North Carolina (Mr. McIntyre), leaders on the Agriculture Committee.

H.R. 634 is sound policy, and it is necessary to ensure that regulators do not further hurt our economy by forcing manufacturers, ranchers, and Main Street businesses to needlessly divert resources away from creating more and better jobs for an American public that is more than ready for them.

Madam Speaker, I urge the House to approve this needed bipartisan legislation today.

I reserve the balance of my time.

1250

Mr. Peters of Michigan. Madam Speaker, I ask unanimous consent to yield 10 minutes of my time to the gentleman from North Carolina and a member of the Committee, Mr. McIntyre, and that he be allowed to control that time.

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

There was no objection. Mr. Peters of Michigan. Madam Speaker, I now yield myself as much time as I may consume.

I rise today in support of H.R. 634, the Business Risk Mitigation and Price Stabilization Act. I’m proud to have coauthored this bipartisan legislation with my colleague, Michael Grimm. I appreciate his hard work on this important legislation and his willingness to work across the aisle. I would also like to thank our partners on the Agriculture Committee, Representatives Austin Scott and Mike McIntyre. We all worked together on this bill to keep costs down for families and small businesses for a wide range of goods and services like groceries, air travel, and autos.

I would like to thank Chairman Hensarling and Ranking Member Waters for their support on this crucial legislation.

While this bill improves financial regulation, this is truly a Main Street bill. Derivatives and users represent a broad cross section of businesses across our Nation, from farmers worried about the price of fertilizer to manufacturers concerned about fluctuating interest rates. Businesses in all of our districts use derivatives to ensure that what they pay for the products they need to keep and consumer prices stable no matter what happens in the financial markets. This bill is about protecting businesses across Michigan and the United States that rely on derivatives to responsibly manage risk.

During consideration of the Wall Street Reform, there was bipartisan recognition that regulations to curb excessive risk taking in the financial sector should not stifle job creation in the agriculture or manufacturing industries. Michigan is a State that builds and grows things, and I will continue to fight to make sure that we always will be.

Let me be clear: as a member of the conference committee that approved the final version of the Dodd-Frank Act, I can say with certainty that Wall Street Reform was not written or signed into law to hinder the hard-working folks building autos or growing apples.

End users, companies that use derivative contracts to offset legitimate business risks, were specifically exempted from the clearing requirements, and Congress did not specifically direct regulators to require end users to post margin. Our bipartisan bill simply clarifies congressional intent that nonfinancial end users are exempt from the Dodd-Frank margin requirements.

Forcing nonfinancial end users to post margin could have several negative consequences: unnecessarily increasing prices for consumers across a range of goods, slowing job growth here in the United States, and driving businesses to foreign, less transparent derivative markets.

Our bill passed the House last year with overwhelming bipartisan support because it is about protecting jobs and clarifying congressional intent, and it passed the House Financial Services Committee earlier this year, as we heard, with unanimous, bipartisan support by a vote of 59-0.

Our bipartisan legislation builds upon congressional intent to protect our manufacturing and agricultural industries is carried out. I look forward to this crucial legislation passing the House later today, and I urge my colleagues to support it. I will continue to work to get the Business Risk Mitigation and Price Stabilization Act signed into law.

I reserve the balance of my time.

Mr. Hensarling. Madam Speaker, I now yield 4 minutes to the gentleman from Michigan, an outstanding member of the Financial Services Committee and the coauthor of this legislation.

Mr. Grimm. Madam Speaker, I proudly rise in support of this legislation, H.R. 634, the Business Risk Mitigation and Price Stabilization Act of 2013. H.R. 634, as has already been noted by the chairman and my colleague, is truly a bipartisan piece of legislation that has passed this House previously in the 112th Congress with overwhelming support.

I would like to thank my colleague, Mr. Peters, for working on this with me—this is an extremely important...
issue, and it is a pleasure to work across the aisle—as well as my colleagues on the Agriculture Committee, Mr. AUSTIN SCOTT and Mr. MCINTYRE. Of course, I want to thank Chairman HENSARLING for his leadership on this issue, as well as for his leadership as chairman of the full committee, and also thank Ranking Member WATERS.

H.R. 634, as has been noted, will clarify the intent of Congress under the Dodd-Frank Act by providing an explicit exemption for the true commercial, nondiscretionary use of over-the-counter derivatives from having to post margin on uncleared derivatives transactions. This exemption is extremely important for job creation and economic growth, as well as price stabilization for average consumers.

Despite clear legislative history to the contrary, regulators continue to misinterpret the Dodd-Frank Act as giving them authority to impose margin requirements on true end users. H.R. 634 will ensure that nonfinancial end users are exempt from margin requirements and that the regulators do not—I emphasize, they do not—exercise authorities that were not specifically given to them by the Congress.

If margin requirements were imposed on these nonfinancial end users, it would harm our economy by very simply diverting working capital from productive uses such as reinvestment into the business or job creation. And this legislation prevents this, and that’s also extremely important to protecting American jobs and our economy.

True end users are firms and companies that use derivatives to manage their various financial risks. For example, firms use these products to protect against changes in interest rates if they’ve sold floating rate debt as well as to lock profits earned in other currencies from variations in foreign exchange markets.

The benefits of this legislation are not limited to American businesses but extend into the heart of our communities. This bill will help keep price stabilization for hardworking families and for individuals. If true nonfinancial end users were required to post margin, their hedging costs could become so high that they could abandon the practice. This would lead to larger variations in consumer prices for a whole host of products, which has been said, things like groceries and airline tickets, and would create economic instability.

There’s a study that has shown that imposing a 3 percent margin requirement on over-the-counter derivatives held by the S&P 500 companies could cut capital spending by $5.1 to $6.7 billion and cost 100,000 to 130,000 U.S. jobs. With the unemployment rate at 7.6 percent, this is a consequence that simply cannot be overlooked.

So, in closing, I ask that my colleagues once again support this commonsense, bipartisan pro-jobs legislation.

Mr. PETERS of Michigan. I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding and for his leadership on this important issue along with Congressmen MCINTYRE, GRIMM, HENSARLING, and many, many others.

Madam Speaker, I rise today in support of H.R. 634, the Business Risk Mitigation and Price Stabilization Act. This bill will make it easier for companies to manage their risks and plan for their future by clarifying that Dodd-Frank does not require end users of derivatives to post collateral on these trades. Congress never intended for these companies to be required to post collateral on their derivatives, because that would needlessly raise their costs and could even discourage companies from prudently managing their risks.

But because of a drafting error in Dodd-Frank, end users of derivatives currently aren’t sure about whether the regulators will require them to post collateral. Both Federal Reserve Chairman Ben Bernanke and CFTC Chairman Gary Gensler have stated that they support this bill because it would provide them with much-needed clarity on whether their rules on posting collateral should apply to end users.

This bipartisan effort to correct a problem with Dodd-Frank is not an attempt by opponents to weaken the safeguards of the bill but, rather, an attempt to make good legislation even better. Congress needs to step in and ensure that companies that use derivatives to manage their day-to-day commercial risk are not subject to unnecessary collateral requirements.

It was reported out in a very strong bipartisan vote from the Financial Services Committee, and for these reasons, I urge my colleagues on both sides of the aisle to support H.R. 634.

Mr. HENSARLING. Thank you, Madam Speaker.

Mr. HULTGREN. I thank the Chairman.

Like many of my colleagues here, I am confident the House will pass H.R. 634 today and present this deserving bill to the Senate—again. After years of inaction bordering on dereliction, it’s time for the Senate Banking Committee to act on Title VII before potentially irreparable and self-inflicting harm is done to our economy.

☐ 1300

Unaddressed, end user margin requirements could lock up billions of dollars that would otherwise be put to productive use, dollars that could go to hiring new employees.

This bill, the Business Risk Mitigation and Price Stabilization Act of 2013, is a jobs bill. Without this bill, company treasurers complying with new margin requirements will have to pull money from somewhere, choking off funding for other business operations.

And these businesses, by definition, are those that only use these tools to avoid risk, not for speculation. These businesses do not pose systemic risk; they didn’t contribute to the crisis of 2008. Yet going against what Congress intended, regulators are roping them in.

I hope this bill passes with a large majority so it cannot be ignored by the Senate and President.

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

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

Mr. HULTGREN. I thank the chairman.

My constituents in Illinois need this legislation. Our farmers and manufacturers, big and small, have voiced their clear support. Thank you to the sponsors of this legislation, Mr. GRIMM and Mr. MCINTYRE.

Mr. PETERS of Michigan. Madam Speaker, I rise today in support of this bill of which I’m a strong supporter and lead cosponsor, H.R. 634, from the Agriculture Committee to control the rest of the time.

There was no objection.

Mr. MCINTYRE. Madam Speaker, I have no further requests for time from the Financial Services Committee.

I ask unanimous consent to allow the gentleman from North Carolina (Mr. MCINTYRE) from the Agriculture Committee to control the rest of the time. The SPEAKER pro tempore. Without objection, the gentleman from North Carolina will control the time.

Mr. PETERS of Michigan. Madam Speaker, I rise today in support of this bill of which I’m a strong supporter and lead cosponsor, H.R. 634, and would like to thank my colleagues—Representatives HENSARLING, GRIMM, PETERS, and SCOTT—for their commitment to working together on this, as you’ve heard, in the discussion that has occurred thus far.

This bipartisan bill is a prime example—something our Nation is yearning for to see here in Congress—that Members can and will work together when we need to to find solutions that we can come across the aisle and reach, and reach them quickly.

The Business Risk Mitigation and Price Stabilization Act will clarify that true derivatives end users are exempt from the margin requirement supplied by the Dodd-Frank Wall Street Reform and the Consumer Protection Act to many derivatives contracts.

These true end users use derivatives to manage actual business risk and protect against fluctuating prices, currency rates, or interest rates—not to speculate. Margin requirements would place undue burden on responsible end users not only back home in eastern North Carolina where I’m from, but also, indeed, across the country.

Our farmers, agriculture co-ops, and community banks all use financial products to mitigate risk, provide security for their businesses, and maintain prices for consumers. By removing margin requirements, this bill will free...
up capital—something we all hear about that our small businesses are screaming for—free up capital and allow businesses to plan for the future, shield these plans from risk, and provide certainty needed to create American jobs. And those battle cries of free reign, capital, and providing certainty is something I know all of our colleagues on both sides of the aisle can agree on. We do want to help with jobs and small business.

In the previous Congress, the House overwhelmingly passed an identical bill, as has been mentioned earlier. It is my hope that this House will again pass this important bipartisan legislation today and send a strong message that Congress can and will work together to pass commonsense solutions that protect our businesses, our farmers, our cooperatives and others from burdensome and misguided regulations.

With that, I reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I now yield 3 minutes to the gentleman from Georgia (Mr. SCOTT), who is the lead cosponsor of this bill from the Agriculture Committee.

Mr. AUSTIN SCOTT of Georgia. I thank the gentleman from Texas.

Madam Speaker, I rise today in support of H.R. 634, the Business Risk Mitigation and Price Stabilization Act of 2013. And I, too, would like to thank many of the Members on the other side of this aisle, as well as mine, specifically, Mr. McIntyre from North Carolina for his work on the Ag Committee on this piece of legislation.

This bill clarifies congressional intent by providing a clear exemption for non-financial end users that qualify for the clearing exception under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Across the country, consumers and businesses alike are confronted with risks that are unrelated to their day-to-day operations. To manage these risks, businesses use over-the-counter derivatives to provide price certainty. Consumers, in turn, benefit from these risk-management practices through lower volatility in the day-to-day prices of the goods and services that they purchase.

By passing this legislation, Congress is providing a specific exemption from clearing and margin requirements for non-financial end users that qualify for the clearing exception under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Mr. HENSARLING. Madam Speaker, I now yield 2 minutes to the gentlelady from Missouri (Mrs. HARTZLER), also a member of the Agriculture Committee.

Mrs. HARTZLER. I rise today in strong support of H.R. 634, the Business Risk Mitigation and Price Stabilization Act of 2013. This bipartisan, commonsense piece of legislation is critical for commercial end users like farm credit companies and rural electric cooperatives to be able to use swaps to manage their long-term risks.

Earlier this year, I introduced H.R. 2136, the School Business Credit Availability Act, to address this very issue. I’m pleased that my colleagues and the House have put together legislation which addresses the concerns that I have with clearing and margin requirements for rural electric cooperatives.

It’s important to every family in my district, and in every family across the country, to be able to count on reasonable rates that are tied to the cost of production or their day-to-day operations. To manage these risks, businesses use over-the-counter derivatives to provide price certainty. Consumers, in turn, benefit from these risk-management practices through lower volatility in the day-to-day prices of the goods and services that they purchase.

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Mr. HENSARLING. Madam Speaker, I now yield 3 minutes to the gentleman from Georgia (Mr. SCOTT), who is the lead cosponsor of this bill from the Agriculture Committee.

Mr. AUSTIN SCOTT of Georgia. I thank the gentleman from Texas.

Madam Speaker, I rise today in support of H.R. 634, the Business Risk Mitigation and Price Stabilization Act of 2013. And I, too, would like to thank many of the Members on the other side of this aisle, as well as mine, specifically, Mr. McIntyre from North Carolina for his work on the Ag Committee on this piece of legislation.

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CONGRESSIONAL RECORD — HOUSE
H3305
June 12, 2013

Exchange Act of 1934 (15 U.S.C. 78ddh(5)(H)) is amended to read as follows:

"(H) CONFIDENTIALITY AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G), the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall maintain confidentiality requirements described in section 21 relating to the information on security-based swap transactions that is provided.

(d) Provisions—The amendments made by this Act shall take effect as if enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) on July 21, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. CRAWFORD. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 742.

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

There was no objection.

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

I want to thank the cosponsors of this bill, especially Mr. HUIZENGA, Ms. MOORE, and Mr. MALONEY, for joining me in this bipartisan effort to help bring transparency to the global swap markets. While I may not agree with every provision of the Dodd-Frank law, today I believe we’re working towards its bipartisan goal of giving the regulators the tools they need to improve systemic risk mitigation in the global financial markets.

I think everyone agrees that the lack of transparency in the over-the-counter derivatives markets escalated the financial crisis of 2008. In order to provide market transparency, the Dodd-Frank law requires post-trade reporting to swap data repositories, or SDRs, so that regulators and market participants have access to realtime market data that help identify systemic risk in the financial system. So far we have made great strides in reaching this goal, but unfortunately a provision in the law threatens to undermine our progress unless we fix it.

Currently, Dodd-Frank includes a provision requiring a foreign regulator to indemnify a U.S.-based SDR for any expenses arising from litigation relating to a request for market data. Unlike the rest of the world, the concept of indemnification is only established within U.S. tort law. As a result, foreign regulators have been reluctant to comply with this provision, and international regulatory coordination is being undermined.

While the intent of the provision was to protect market confidentiality, in practice it threatens to fragment global data on swap markets. Foreign regulators would be forced to create their own SDRs, resulting in a fragmented global data framework where regulators would be unable to see a complete picture of the marketplace. Without effective coordination between international regulators and SDRs, monitoring and mitigating global systemic risk is severely limited.

H.R. 742 fixes this problem by removing the indemnification provisions in Dodd-Frank. The provision has broad bipartisan support and was unanimously approved by the House Agriculture Committee in March and the House Financial Services Committee in May. Additionally, last year, the SEC testified to the Financial Services Committee that a legislative solution was needed, saying:

In removing the indemnification requirement, Congress would assist the SEC, as well as other regulators, in securing the access it needs to data held in global trade repositories.

Many other U.S. and foreign regulators have echoed these same sentiments.

If left unresolved, the indemnification provision in Dodd-Frank has the potential to effectively reduce transparency in the over-the-counter derivatives markets and undo the great progress already being made through the cooperative efforts of more than 50 regulators worldwide. In passing this legislation, we will ensure that regulators will have access to a global set of swap market data, which is essential to maintaining the highest degree of market transparency and risk mitigation.

I strongly urge my colleagues to vote “yes” on this bill.

With that, I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia.

Madam Speaker, I ask unanimous consent to yield 10 minutes of my time to Ms. MOORE of Wisconsin, who’s done a tremendous job on this issue, and that she be allowed to yield that time.

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

There was no objection.

Mr. DAVID SCOTT of Georgia.

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

I rise today in support of H.R. 742, the Swap Data Repository and Clearinghouse Indemnification Correction Act, which I have sponsored along with my colleague and good friend Representative CRAWFORD from Arkansas, and it’s been a pleasure to work with him on this. I would like to strongly urge all of my colleagues to vote in favor of this bill.

H.R. 742 is noncontroversial and it is highly bipartisan, shared by both Democrats and Republicans alike. It passed the Agriculture Committee by voice vote unanimously, and it passed the Financial Services Committee by unanimous vote as well, 52–0.

Madam Speaker, Dodd-Frank ushered in a new era of financial marketing, reporting and transparency requirements—which was very much needed—in order to aid regulators by providing insight into what were once very opaque markets and to facilitate information-sharing between and among United States and international regulators. There were very small and necessary changes that were welcome by regulators and market participants alike.

Dodd-Frank also included a provision requiring that in order for the gathered information to be shared with the SEC and the CFTC, or a swap data repository, be indemnified against accidental or misuse of information.

Unfortunately, Madam Speaker, this indemnification provision is having an unintended consequence, an unintended effect of preventing data collection and information-sharing, particularly when international transactions and international regulators are involved, because indemnification is a concept unique only to the United States. H.R. 742 would very simply remove this indemnification requirement, as requested by United States, foreign regulators and swap data repositories, so that we can realize the level of global information-sharing that is so critical to monitoring systemic risk.

Madam Speaker, as I said, I strongly support this very simple but necessary bill that will help to facilitate greater information-sharing, as intended by Dodd-Frank, and I encourage my colleagues to do the same.

I reserve the balance of my time.

Mr. CRAWFORD. Madam Speaker, I would like to yield 3 minutes to the lead cosponsor in Financial Services on this bill, the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Madam Speaker, I appreciate that from my friend from Arkansas, who has shown great leadership on this issue.

Madam Speaker, thousands of companies across this country and in my State of Michigan utilize derivatives to better manage the risks that they face every day. The proper use of derivatives to lower risk benefits the global economy by allowing a range of businesses, from manufacturing to health care, agriculture and a myriad of others, to improve their planning and forecasting and offer more stable prices to consumers.

By imposing over-the-top regulatory burdens on end users, this could increase costs and reduce liquidity that would prevent these companies from using derivatives markets efficiently, effectively, and properly. That is why I am a proud sponsor of H.R. 742, the Data Swap Repository and Clearinghouse Indemnification Correction Act—quite a mouthful, but an important piece of bipartisan legislation—which unanimously passed both the Agriculture and the Financial Services Committees—a rare feat in Washington these days—and it would remove the unrealistic requirement to secure
Mr. CRAWFORD. Madam Speaker, I continue to reserve the balance of my time.

Ms. MOORE. Madam Speaker, I am so delighted at the 2 minutes to my colleague, a senior member of the Financial Services Committee, the gentlelady from Alabama, Representative Terri Sewell. I am so delighted at this point to yield 2 minutes to someone who was formerly on the Ag Committee and is currently on the Financial Services Committee and who understands the importance of H.R. 742, the gentlelady from Alabama.

Ms. SEWELL. Alabama. I rise today in support of H.R. 742, the Swap Data Repository and Clearing House Indemnification Correction Act. H.R. 742 helps to ensure that regulators can continue to provide important oversight on our financial markets.

We continue to work with the implementation process of Dodd-Frank, we must be mindful of the original purpose and intent behind this essential reform to our financial markets. Dodd-Frank was intended to add more transparency and oversight to our financial markets and to ensure that another financial crisis and meltdown would never occur. However, Congress must continue to provide important guidance and oversight to financial regulators in order to ensure that no unintended consequences associated with these new regulations will run counter to the original intent.

That is why I support this bipartisan and commonsense technical correction act, the Indemnification Correction Act. As a former securities lawyer and finance professional, I believe that this bill, by correcting the indemnification provisions that impose burdensome regulations on our foreign regulators, will in many ways maintain the integrity of our financial markets; and I think it is the right thing to do.

While many aspects of the new derivatives market and the entire title VII regime remain uncertain, I want to applaud the diligent work of both the CFTC and the SEC in drafting and implementing these critically new regulations. Today’s vote helps to add clarity and clarification to very important derivative reform. I also want to commend my colleagues on both sides of the aisle and my colleague, the gentlewoman from Wisconsin, Gwen Moore, as well as my colleague from Georgia, David Scott, for their leadership on this issue.

I urge my colleagues on both sides of the aisle to vote in favor of this important clarification and to support this bipartisan piece of legislation.

Mr. CRAWFORD. Madam Speaker, I continue to reserve the balance of my time.

Ms. MOORE. Madam Speaker, I yield myself such time as I may consume.
I am so pleased that H.R. 742 is before us so that people understand, Madam Speaker, that this process actually does work from time to time. This provision was added at the last minute to the Dodd-Frank bill. It was not fully vetted and not fully debated. In a very diligent way, two committees on both sides of the aisle were able to come together and really pull together this very modest, but extremely critical, important bill to make sure that there is transparency as well as fluidity in our oversight of derivatives markets.

I am so pleased to be a part of this remarkable consensus on the indemnification of this bill, and I urge all my colleagues to support this critically important legislation.

I yield back the balance of my time.

Mr. CRAWFORD. Madam Speaker, I yield myself such time as I may consume, subject to the additional provision that by passing and enacting H.R. 742, it would send a clear message to the international community that the United States is strongly committed to global data sharing and is determined to avoid fragmenting the current global data set for over-the-counter derivatives. I urge a “yes” vote on H.R. 742, and I continue to reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Madam Speaker, as I have no additional speakers, I would like to close by simply saying a great thanks for the work of Mr. CRAWFORD from Arkansas, Ms. Moore from Wisconsin, Ms. SEWELL from Alabama, and Mrs. MALONEY from New York in this great show of bipartisanship that will help us to facilitate greater information sharing, which was intended by Dodd-Frank.

I urge passage on this much-needed legislation, and I yield back the balance of my time.

Mr. CRAWFORD. Madam Speaker, I thank the gentleman from Georgia. I again urge a “yes” vote on H.R. 742 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. CRAWFORD) that the House suspend the rules and pass the bill, H.R. 742.

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. DAVID SCOTT of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PUBLIC POWER RISK MANAGEMENT ACT OF 2013

Mr. LAMALFA Madam Speaker. I move to suspend the rules and pass the bill (H.R. 1038) to provide equal treatment for utility special entities using utility operations-related swaps, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1038
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 “Public Power Risk Management Act of 2013.”

SEC. 2. TRANSACTIONS WITH UTILITY SPECIAL ENTITIES.

Section 1(a)(9) of the Commodity Exchange Act (7 U.S.C. 1a(9)) is amended by adding at the end the following:

“(E) CERTAIN TRANSACTIONS WITH A UTILITY SPECIAL ENTITY.—

(1) Transactions in utility operations-related swaps shall be reported pursuant to section 4r.

(2) Utilities are to be treated as if they were special entities for purposes of this Act.

(3) The term ‘utility special entity’ means a legal entity, department, or corporation of or established by a State or political subdivision of a State, that—

(a) owns or operates an electric or natural gas facility or an electric or natural gas operation;

(b) supplies natural gas and or electric energy to another entity that is not a utility special entity, as defined in section 4r(2)(C).

SEC. 3. UTILITY SPECIAL ENTITY DEFINED.

Section 4(h)(2) of the Commodity Exchange Act (7 U.S.C. 1a(49)) is amended by adding at the end the following:

“(E) CERTAIN TRANSACTIONS WITH A UTILITY SPECIAL ENTITY.—

(1) Transactions in utility operations-related swaps shall be reported pursuant to section 4r.

(2) Utilities are to be treated as if they were special entities for purposes of this Act.

(3) The term ‘utility special entity’ means a legal entity, department, or corporation of or established by a State or political subdivision of a State, that—

(a) owns or operates an electric or natural gas facility or an electric or natural gas operation;

(b) supplies natural gas and or electric energy to another utility special entity, as defined in section 4r(2)(C).

(c) has public service obligations under Federal, State, or local law or regulation to deliver electric energy or natural gas service to customers;

(d) is a Federal power marketing agency, as defined in section 3 of the Federal Power Act.

SEC. 4. UTILITY OPERATIONS-RELATED SWAP.

(a) SWAP FURTHER DEFINED.—Section 1a(9)(A)(i) of the Commodity Exchange Act (7 U.S.C. 1a(9)(A)(i)) is amended—

(1) by striking “and” at the end of subclause (XXI); and

(b) UTILITY OPERATIONS-RELATED SWAP DEFINED.—Section 1a of such Act (7 U.S.C. 1a) is amended by adding at the end the following:

“(ii) any other electric energy or natural gas operation; and

“(iii) compliance with an electric system reliability obligation; or

“(iv) compliance with an energy, energy efficiency, conservation, or renewable energy order of a Federal, State, or local government order applicable to a utility; or

“(v) any other electric energy or natural gas swap to which a utility is a party.”

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act take effect as if enacted on July 21, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LAMALFA) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1038.

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

There was no objection.

Mr. LAMALFA Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, the premise of the heavily bipartisan Public Power Risk Management Act is simple and is one that all Members of the House should support. It seeks to keep electricity and natural gas rates from increasing for over 47 million Americans. Those 47 million Americans are customers of over 2,000 publicly owned utilities who have used swaps to manage their risk for years.

Unfortunately, the Dodd-Frank Act, though well-intentioned and enacted to make reforms to our Nation’s financial industry, has been used to limit who can do business with a publicly owned utility.

For example, in my district specifically, the city of Redding, California, the Redding Electric Utility has been concerned that potential limitations to hedging options in the future could increase the costs to their customers, as well as Grays Harbor Public Utility District, a community-owned nonprofit utility that serves 45,000 customers in Washington State, which previously had 20 counterparties whom they could use to help manage their risk, says Doug Streeter, its chief financial officer. Now, instead of 20, it is down to just two counterparties due to overly restrictive rules born out of, I think, an unintentional consequence of the Dodd-Frank Act.

“What we’re hearing from the counterparties is it’s abundantly clear that they’re worth more to us than we are to them.” Mr. Streeter says. “It wasn’t a big book of business for them, and it’s just not worth it for them to be designated as a swap dealer. They’re not willing to take that on, so they’ve left the market,” continued Mr. Streeter.

Of course, this unintended consequence is affecting utilities in congressional districts all across the
United States. The results of this limitation are fewer options for publicly owned utilities to manage their risks, which will translate into higher costs for millions of American ratepayers.

I was not yet a Member of this body when Dodd-Frank was debated, but I think it’s safe to say that at no point during the debate it contemplated that Dodd-Frank could lead to higher energy rates for millions of Americans, which is an unacceptable result during a period of tremendous economic uncertainty. This potential outcome can be prevented by sending H.R. 1038 to the Senate today with a strong bipartisan vote.

I should note that while my bill seeks to preserve a publicly owned utility’s access to cost-effective and customized nonfinancial commodity swaps used to generate electricity or produce natural gas, it still requires financial swaps to be governed by the new CFTC rules issued under the Dodd-Frank Act and non-U.S. counterparties be regulated under existing laws. I am very thankful, as well as broad support by key stakeholders, including the Consumer Federation of America and the United States Chamber of Commerce, of which I will include their letters in the record.

Let’s stick up for these utilities and their customers. They’re simply trying to manage their risk so that they can keep rates low for millions of Americans.

With that, I reserve the balance of my time.

CONSUMER FEDERATION OF AMERICA,
May 17, 2013.

Hon. FRANK D. LUCAS,
Chairman, Committee on Agriculture,
Rayburn House Office Building, Washington, DC.

Hon. COLLIN C. PETERSON,
Ranking Member, Committee on Agriculture,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LUCAS AND RANKING MEMBER PETERSON: The Consumer Federation of America encourages the House Agriculture Committee to approve H.R. 1038, the Public Power Risk Management Act. This narrowly crafted legislation would protect public utility ratepayers from increased costs and rate volatility by ensuring that these utilities have the same ability as other utilities to hedge operational risks.

CFA has long-recognized the central importance of a strong swap dealer definition to the effective oversight of the derivatives markets and, by extension, to the stability of the financial system. We believe it is essential that those entities that are genuinely acting as hedgers remain subject to appropriate regulatory requirements and oversight. However, we also believe it is inappropriate for non-U.S. counterparties—such as natural gas producers, independent generators, and other utilities—to be treated as swap dealers in their transactions with public utilities who are essentially functioning as business units, not as governing bodies. In the past, these transactions have given no cause for concern. Public utilities should be as free as other utilities to engage in these transactions to hedge risks.

The Commodity Futures Trading Commission has recognized this problem and has taken steps to mitigate it. But as yet, these measures have not been sufficient to prevent non-U.S. counterparties from resuming normal dealings with public utilities. We believe that H.R. 1038 would provide the clarity that allows such a presumption.

Sincerely,

STEPHEN BROECK,
Executive Director,
CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.
TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES. The U.S. Chamber of Commerce, the world’s largest business federation representing the interests of more than three million businesses and organizations of all sizes, sectors, and regions, as well as state and local chambers and industry associations, is dedicated to growing, protecting, and defending America’s free enterprise system, strongly supports H.R. 334, H.R. 1472, H.R. 1038, and H.R. 1256, bills that would provide the same treatment to Main Street companies that rely on derivatives to manage their business risk, and ensure regulation reflects the global nature of the derivatives marketplace.

H.R. 334, the “Business Risk Mitigation and Price Stabilization Act of 2013,” would create an exemption for corporate “end users” that manage their business risk with derivatives. Despite the clear intent of Congress to shield end users from unnecessary cash collateral requirements, Fannie Mae and Freddie Mac’s Financial Regulatory Advisors believe they do not have the flexibility under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) to provide a regulatory exemption.

H.R. 1472, the “Swap Data Repository and Clearinghouse Indemnification Correction Act of 2013,” would eliminate an unworkable indemnification requirement in Dodd-Frank that would lead to a balkanized system for storing and accessing swaps data. Some foreign jurisdictions have laws or regulations that make indemnification impossible, and therefore prevent foreign regulators from accessing swaps information from U.S.-registered swap data repositories. This bill would repeal the indemnification requirement.

H.R. 1038, the “Public Power Risk Management Act of 2013,” would eliminate an unworkable indemnification requirement in Dodd-Frank that would hinder the ability of publicly owned utilities to offset their risk in the traditional fashion. Put simply, H.R. 1038 would simply allow producers, utility companies, and other nonfinancial entities to continue entering into energy swaps with government-owned utilities without danger of being required to register with the CFTC as a swap dealer.

What this will do is it will allow these publicly owned utilities to continue using their traditional swap counterparties to help manage their risk related to the generation of electricity and the production of natural gas. This is very important, Madam Speaker, because, if the law remains as it is without this bill, the ability of publicly owned utilities to offset their risk in the traditional fashion is at risk.

H.R. 1256, the “Clearinghouse Indemnification Correction Act of 2013,” would create an exemption for corporate “end users” that manage their business risk with derivatives. Despite the clear intent of Congress to shield end users from unnecessary cash collateral requirements, Fannie Mae and Freddie Mac’s Financial Regulatory Advisors believe they do not have the flexibility under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) to provide a regulatory exemption.

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H.R. 1038 is a noncontroversial bill. It passed the House Committee on Agriculture by a voice vote. And H.R. 1038 seeks to correct an oversight in Dodd-Frank that has hindered the ability of publicly owned utilities to offset their risk in the traditional fashion. Put simply, H.R. 1038 would simply allow producers, utility companies, and other nonfinancial entities to enter into energy swaps with government-owned utilities without danger of being required to register with the CFTC as a swap dealer.

This is something we want to avoid, especially during our still fragile economic recovery. So, Madam Speaker, I support this technical correction to Dodd-Frank, and I urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. LAMALFA Madam Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. I thank the gentleman from California for his leadership on this issue and for the opportunity to allow me to speak in support of H.R. 1038, the Public Power Risk Management Act of 2013.
This is a good, bipartisan piece of legislation that would simply allow producers, utility companies, and other nonfinancial entities to continue entering into energy swaps with government-owned utilities, also known as utility special entities, without registering them as swap dealers under the Commodity Exchange Act. This bill allows producers, utility companies, and other nonfinancial entities (swap counterparties) to continue entering into energy swaps with government-owned utilities (aka: utility special entities) without requiring them to register with the CFTC as a "swap dealer" solely because of their dealings with government-owned utilities.

As a group, public power utilities deliver electricity to one in seven of every energy consumers in the United States, over 47 million people—certainly some in major metropolitan areas such as Los Angeles, San Antonio, Seattle, and Orlando—but the vast majority of public power companies serve communities with populations of 10,000 people or less. H.R. 1038 will place utility special entities on a level-playing field with everyone else in the marketplace, allowing many of them to keep the same swap counterparties they have used to manage risk for years. Utility special entities should be allowed to keep using swaps to help manage their risk related to the generation of electricity or production of natural gas. To hinder these utilities ability to manage risk would only increase their costs and possibly lead to higher energy rates for millions of Americans, an unacceptable result during a period of tremendous economic uncertainty.

Mr. Speaker, I urge passage of H.R. 1038 and urge a “yes” vote.

Mr. DAVID SCOTT of Georgia. I have no other speakers, Madam Speaker, so I would like to close by saying that Mr. COSTA, our distinguished Congressman from California, expresses his deep concern and support for this legislation, and I certainly wanted to register that on his behalf.

And certainly to Mr. LAMALFA and to Mr. CRAWFORD, I again commend you for your outstanding work on this. Wherever we can cut costs and save money for the American people, we need to do it and do it quickly. Therefore, I urge quick passage of this very important and timely piece of legislation.

I yield back the balance of my time.

Mr. LAMALFA Madam Speaker, I appreciate again how we have been able to come together in such a good bipartisan fashion. I greatly appreciate my colleagues from Georgia’s kind and helpful words in moving this legislation today on the floor.

In closing, again, H.R. 1038 seeks to keep electricity and natural gas bills affordable for over 47 million Americans. Our publicly owned utilities should have access to the risk management tools that they need to keep costs down, a goal we all share, and which prevents utility rates from rising. I ask my colleagues to support this commonsense legislation.

I yield back the balance of my time.

Mr. COSTA. Madam Speaker, I rise in support of the bi-partisan, H.R. 1038, the Public Power Risk Management Act of 2013. This bill provides for general debate while a separate pieces of legislation. The first of these bills is H.R. 1256, the Swap Jurisdiction Certainty Act, which will be considered for 1 hour, with time divided between the Committees on Financial Services and Agriculture, under a closed rule.

Secondly, and the reason why I am so proud to be the sponsor of this rule, H. Res. 256 provides for 1 hour of general debate for this year’s National Defense Authorization Act.

The Rules Committee traditionally receives hundreds of amendments to the NDAA, and with H.R. 3300 submitted by the end of the day yesterday, this year is no different. Therefore, as is the tradition for this bill, this first rule in the NDAA consideration process provides for general debate while a second will provide for consideration of the various amendments we have before us.

As a member of the House Armed Services Committee, I have had the
The honor of helping craft this legislation for the past few months. As I think anybody can imagine, when you’re talking about a bill that authorizes the Department of Defense, there is a lot to discuss and consider. That point was illustrated this House for consideration.

But for as much time and effort that we on the Committee on Armed Services put into the Defense Authorization Act, I know that other Members who don’t serve on our committee will want to make their mark on this bill, too. To ensure that the House has an opportunity to really have a comprehensive, free-flowing debate on such an important topic, we’ve decided to break the rule for the Defense Authorization Act into two parts.

That’s why today’s rule provides us with 1 hour of general debate time. It gets us started on the path to consideration. It also allows Members from both sides of the aisle to have a full discussion about how it would work running through this base legislation. There are important debates, and the sooner we get them started, the better. But with nearly 300 amendments submitted to the National Defense Authorization Act, the truth is we on the Rules Committee couldn’t give each one the customary 30 minutes.

This rule also allows, believe it or not, a comprehensive rule that starts debate on the full bill and all amendments today.

If something’s worth doing, it’s worth doing right. Therefore, while the House works on the Swap Jurisdiction Certainty Act and starts general debate on the NDAA, we, on the Rules Committee, will return to the committee room and we’ll continue to sift through all the amendments that Members have offered on this bill.

We want to make sure the House has the opportunity to weigh in on each and every important issue in the NDAA. That’s why we need to take our time. And once we have a full understanding of the amendments submitted to the committee, we’ll come back with a second rule setting the universe of amendments for this legislation.

I know that we all share the same commitment to making this a fair and collaborative process. Quite frankly, it’s the spirit of cooperation and the knowledge that we’re serving a common purpose that has been one of the most gratifying parts of serving on HASC to date. As Chairman McKEON said to the Rules Committee yesterday, we may disagree sometimes, but it doesn’t have to be disfavourable. We’re able to put partisanship aside, and we know that our work directly impacts the life of each and every servicemember and his or her family in a personal and direct way.

We’re providing for the common defense, which is part of the Federal Government’s most fundamental roles, part of our core mission, as I like to say. And if you want an example of how collaboratively worked on this bill as a committee, you only need to look at the fact that we passed this bill out of committee 59–2. And as the father of three sons serving in the Army, I’m heartened to know that policies can be set and decisions made so making sure our troops are equipped with the tools that are required, funded at the levels they need, and trained for the mission at hand.

This is an important time for our country and an important time for those members of the military who serve us every day. These young men and women put their lives on the line for us so we could be here today and debate the issues of the day. So they deserve our undivided attention and support when it comes to making sure that they have everything that they need, and there’s no more essential role for our Federal Government, in my opinion, as to what we are doing today.

H.R. 1256, the National Defense Authorization Act, is a bill that reauthorizes our Nation’s defense programs and a place we should have the opportunity to debate some of the most important issues facing this country and the world.

The process is typically broken up into two parts: a rule providing for general debate on the National Defense Authorization Act and a rule providing for consideration of amendments to that bill. It’s generally not a controversial process; although, the decisions made by the Rules Committee in allowing and preventing amendments from being considered can be controversial.

And that’s where this rule goes wrong. This is not the normal rule providing for general debate for the defense authorization bill. No, Madam Speaker, this rule is much more than that.

Over the past 3 years, we’ve seen the Republican leadership in the House fixated on several things. One want to take our health care away from millions of Americans by repealing ObamaCare;

They want to destroy the social safety net through mindless budget cuts;

And they want to weaken our financial system by repealing the Dodd-Frank Act that came out of the greatest fiscal crisis since the Great Depression.

This rule, the rule that should be a simple general debate rule for the Defense Authorization Act, also makes in order H.R. 1256, the Swap Jurisdiction Certainty Act. Not only does this rule cram in this controversial bill, it does not allow one single amendment.

That’s right. This is a closed rule. That’s not an open and transparent process, certainly not the one that Speaker BOEHNER promised.

H.R. 1256 would require the Commodity Futures Trading Commission and the Securities Exchange Commission to jointly issue rules on the regulation of swaps that would conform with the United States and foreign entities. H.R. 1256 automatically exempts transactions in countries with the nine largest swaps markets from U.S. regulations unless the CFTC and the SEC jointly determine that the regulations aren’t broadly equivalent. Because many large U.S. financial institutions have subsidiaries outside of the United States, there are serious concerns that banks will seek to conduct swap transactions in countries with looser regulations to avoid U.S. oversight. And, Madam Speaker, it is important to note that many countries are far behind the United States in promulgating their rules on swaps.

Why are we looking to allow foreign regulations to govern transactions involving U.S. companies that could ultimately impact our economy?

During the markup in the Financial Services Committee, Ranking Member MAXINE WATERS offered an amendment to strike the presumption that foreign regulatory requirements satisfy U.S. swaps requirements, allowing the CFTC and the SEC to determine whether foreign regulatory requirements are comparable to U.S. requirements. Unfortunately, under this closed rule, the full House will not have the opportunity to consider a similar amendment to strengthen this legislation.

Madam Speaker, this is yet another attempt to slow down the Dodd-Frank rulemaking process, undermine the CFTC’s work in regulating derivatives trading, and weaken the financial market regulations needed to protect our economy.

Madam Speaker, I urge all my colleagues to vote “no” on this rule.

This rule also allows, believe it or not, the Agriculture Committee to file a supplemental report to H.R. 1947, the
As we begin general debate on the defense bill later today, I ask my colleagues to keep these questions in mind.

Once again, Mr. Speaker, this rule is unnecessarily complicated and mischievous. There is no reason to include yet another bill gutting Dodd-Frank in this rule, and there’s no reason to cram into this rule a report from the Agriculture Committee about a bill that will make hunger worse in America.

For these reasons, I oppose this rule, and I urge my colleagues to vote “no” on the rule for these three measures, and I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, about 5 years ago in my community, we were saddened to hear of the tragic death of Marie Lauterbach. Marie Lauterbach was a Marine who came forward to report the sexual assault that she had endured and came forward and reported her belief of a subsequent pregnancy from that sexual assault only to have the chain of command’s authority in the military, we here in Congress are also charged with an “emergency” designation so that we don’t have to figure out how to pay for it now. We’ll just pay for it later and later and later. I’m increasingly concerned that, even after we transition all combat military and security operations over to the Afghan Government by the end of 2014, the OCO will still go on.

It is time to phase out the OCO, put this spending back into the base spending bill, and if we want to make war, then let’s pay for it or make the appropriate cuts in other Pentagon programs to make room for the funding of these operations.

Finally, Mr. Speaker, let me say a few words about the strong concerns this Congress has, on both sides of the aisle, about the epidemic of sexual assault in all branches of our military. This bill includes several measures that will strengthen the investigation and prosecution of these heinous crimes inside our military. It also provides new protections for victims of military sexual assault. It reflects the bipartisan work of Representative TURNER, my Massachusetts colleague, Representative TSONGAS, as well as Representatives WALORSKI, NOEM, CASTRO, and LORETTA SANCHEZ. However, Mr. Speaker, there is still much more that should and can be done to ensure these brutal rapes and assaults are fully investigated and prosecuted, the victims treated with respect, and to advance education in our military academies and among our ranks and our officer corps.

Several amendments were submitted to the Rules Committee, and I hope that they will be made in order that we can more fully debate this critical issue and how to end rape and sexual assault within our Armed Forces.

Let me just add, Mr. Speaker, that while the NDAA looks to strengthen those protections for the nearly 3,000 men and women of our military, we here in Congress are also to blame for having failed in our oversight responsibilities. Congress has not given the attention to military sexual assault that it deserves. So I think that we do need to clean up our own house and ensure that Congress does a better job of oversight to ensure that the Pentagon and all our military members are held accountable for preventing, reducing, and prosecuting cases of sexual assault and abuse in our Armed Forces and providing victims with the services and support that they deserve.

Mr. Speaker, I’m always ambivalent about the annual defense authorization bill. I support the Pentagon and our veterans and our retirees, and I support providing for the genuine needs of our servicemen and -women, whether they are based here at home or abroad. But I cannot support the amount of waste, the unnecessary spending, and the ridiculous programs, on more nukes, on outdated weapons, and on wars that never end.

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Mr. NUGENT. I yield the gentleman an additional 2 minutes.

Mr. TURNER. Mr. Speaker, we included minimums that say if you commit a sexual assault, you are out of the military, you will be dishonorably discharged, and if you are a trainer and you enter into a trainee-trainee relationship that is inappropriate, you are out. No longer will a victim be forced to salute their perpetrator or their accused. These provisions are incredibly important. They’re ones we worked with on a bipartisan basis.

I want to thank my cochair of the Military Sexual Assault Prevention Caucus, Niki Tsongas. I also want to thank Ranking Member SMITH and the chairman, BUCK MCKEON, and also the chairs of the Subcommittee on Military Personnel, SUSAN DAVIS and JOE WILSON.

This is a matter on which we’ve worked together very thoughtfully. At the same time, we know that Chairman Dempsey, Secretary Hagel, and former Secretary Panetta have made this a priority. What we’re trying to do on an isolationist basis is to give them the tools to, once again, make perpetrators fear the system and hold them accountable.

Mr. McGovern. Mr. Speaker, I’m happy to yield 2 minutes to the gentlewoman from New York, the ranking member of the Financial Services Subcommittee on Capital Markets and Government Sponsored Enterprises, Mrs. MALONEY.

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding and for his leadership. I commend the work of Mr. TURNER and others for strengthening protections for women in the military, but it’s not enough. The amendments from Jackie Speier and others were not included. We need an open rule where all of these ideas can come to the floor to protect our men and women in the military.

The status quo in the military is not a way to solve the problem of sexual abuse. Too often, it is the problem. Every year that I have been in Congress, the military brass has come to us and said that they will stop this abuse. Yet each year, it seems to be getting worse. Women are even afraid to report it. They’re just afraid that they’ll be punished in some way.

Despite the widespread public and congressional outrage, some top military officers still seem to resist important, fundamental changes to a culture that has clearly failed in one of its single, most important missions: keeping its own people safe. And the casualties are mounting every day.

For example, a U.S. military officer oversaw sexual assault prevention at Fort Hood in Texas. He is under investigation for his sexual assault of soldiers. The officer in charge of the Air Force’s sexual abuse prevention program was recently arrested for groping women. We need to end the culture of tolerating the abuser and punishing the victim.

We created a database for them to report in, but they won’t report because they are afraid of retaliation. Too often they’ve seen if you’re a woman who’s been raped and abused, then you’re told to be quiet. If you report it, you’ll be punished, but if you’re the abuser, you might end up in charge of the sexual abuse prevention program and get a promotion.

The strongest military in the world has got to learn how to protect its own soldiers. It’s got to keep them from being wounded by rape and sexual assault. We need to stop this, allow an open rule, and allow amendments on this important protection of our soldiers.

Mr. NUGENT. Mr. Speaker, I just want to make sure that everybody knows that there are over almost 300 amendments that have been submitted, and they will be discussed later today, and Mr. McGovern is a part of that process and will be discussing those amendments today.

But I agree with both of my colleagues as it relates to sexual assault in the military. Having only been on Armed Services now for 6 months, I will tell you that I agree with Mr. McGovern, particularly as it relates to oversight. And I believe that this Congress should exhibit and utilize its oversight capacity to the fullest, especially as it relates to sexual assault within the military.

I reserve the balance of my time.

Mr. McGovern. Mr. Speaker, I’m happy to yield 1 minute to the gentlewoman from New York, the distinguished ranking member of the Committee on Appropriations, Mrs. LOWEY.

Ms. LOWEY. Mr. Speaker, Mr. Speaker, military cohesion is eroding and trust is disintegrating throughout the ranks as sexual assault infects the services. An Air Force officer charged with sexual assault prevention efforts here in Washington was arrested for sexual battery last month.

West Point and the Naval Academy have made recent headlines about assaults involving athletes. Alarming, the military academies reported 80 cases of sexual assault last year, a 23 percent increase; and too many cases go unreported.

We trust the service academies to mold our sons and daughters for service to our country. Cadets and midshipmen are of an impressionable and often vulnerable age, requiring stronger protections against sexual assault and better oversight.

The culture that is propelling this epidemic must change. I urge support for the sexual assault provisions in the NDAA.

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

Mr. McGovern. Mr. Speaker, I’m happy to yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), the ranking member of the Armed Services Subcommittee on Intelligence, Emerging Threats and Capabilities.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, while I rise in opposition to this rule, I want to express my strong support for the underlying bill, H.R. 1960, the National Defense Authorization Act.

This legislation is not perfect; however, it ensures support for our men and women in uniform who sacrifice so much on our behalf, and includes provisions that are crucial to our military’s future capabilities in this fiscally constrained environment.

Now, among other things, it fully supports the President’s request for the peerless Virginia-class submarines, as well as critical future enablers such as the Ohio Class Replacement and the Virginia Payload Module.

It also includes the Oversight of Sensitive Military Operations Act which, for the first time, requires prompt notification to the Defense Committees of any overseas lethal or capture operations outside of Afghanistan, including those conducted with unmanned aerial vehicles.

Furthermore, I’m pleased that this measure begins to tackle the epidemic of sexual assault in our military. Our people in uniform need to know that they are protected from and against sexual assault, and God forbid if there is a sexual assault that occurs, that the perpetrator is held accountable.

While far more must be done, there are important first steps in this bill that are worthy of our strong support.

Mr. Speaker, I’m also proud to work closely with Chairman MAC THOMBERRY, both in this bill and in numerous other provisions which fall under the jurisdiction of the Subcommittee on Intelligence, Emerging Threats and Capabilities. Together, we have worked hard to increase resources for our Special Operations Forces, who are helping us confront shifting threats and unconventional battlefields, and to support our efforts in the cybersecurity realm.

There are many other positive steps with regard to cyber in this legislation, including incentivizing new cybersecurity standards, ensuring U.S. Cyber Command has the proper authorities and the personnel in coordinating cybersecurity efforts with related disciplines.

However, the reality is that our Nation’s cybersecurity challenges cannot simply be handed over to the Department of Defense. With the vast majority of our critical infrastructure in private hands, we absolutely must require minimum standards for their owners and operators. It is way past time for Congress to move aggressively to partner with the private sector and address what I believe is our greatest national security vulnerability.

Meanwhile, though I applaud DHS’s efforts to coordinate the various approaches to cybersecurity found across...
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the Federal Government, I continue to believe that there must be an office within the White House with the policy and budgetary authority to enforce appropriate actions across the whole government. I’m disappointed the procedural and jurisdictional issues included offering an amendment to the NDAA, but I am going to continue to work with my colleagues to enact what I believe to be a crucial provision.

Finally, I want to thank Chairman McKinley and Ranking Member Smith, as well as those other Members and all of my colleagues on the committee, but most especially the tireless HASC, for all of their efforts, which have been really Herculean in bringing this bill to the process of where we are today. I certainly urge my colleagues to support the National Defense Authorization Act.

Mr. McGovern. Mr. Speaker, I’m happy to yield 2 minutes to the gentleman from Texas (Mr. Castro).

Mr. Castro of Texas. I thank my friend, Mr. McGovern, for yielding.

Mr. Speaker, I rise today to speak about the U.S. detention facility at Guantanamo Bay.

Continued operation of the facility at Guantanamo weakens U.S. national security, wastes resources, damages our relationships with key allies, and reinforces anti-American propaganda led by groups such as Al Qaeda to recruit new enemies against the United States.

In a time of war, the Commander in Chief must have the flexibility to execute important foreign policy and national security determinations. This includes how to treat detainees captured on the battlefield. The Commander in Chief having this authority is not a new concept to this Congress. In fact, under President Bush, some 530 detainees were transferred from Gitmo with support. Restrictions placed by Congress to prevent this President from making these decisions are not prudent.

In addition to foreign policy and national security consideration, the facility at Guantanamo is also a waste of scarce resources. DOD estimates that the cost to run Guantanamo Bay is around $150 million a year. In a time when we’re making sequestration cuts to programs here at home, we’re spending approximately $1 million per detainee per year. This makes Guantanamo Bay literally the most expensive detention facility in the world.

I urge my colleagues to give the President the flexibility he needs to operate Guantanamo Bay.

Mr. McGovern. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Ms. Edwards).

Ms. Edwards. Our hope is to ensure that zero tolerance for sexual assault in the military is the norm. I want to thank the gentleman for his leadership and for ensuring that this is just endemic within the military. As somebody who grew up in a servicemember family as one of four daughters, I can’t lay this blame on the fact of service. I know that in the civilian sector a relatively small number of perpetrators commit the overwhelming number of crimes, but it’s the criminals within the military. We have to commit ourselves to making sure that we do that and hold them accountable, hold their commanders accountable, punish people for crime, and stop promoting perpetrators and transferring the problem from one installation to the next installation. This enforceability and accountability has to happen throughout the command structure, no excuses and no exceptions.

It’s the service that my father sacrificed for and that millions of others do that we have to honor. We do that by protecting the men and women who serve by saying to them: We want you to serve your country, but we want to make sure that you can do it in safety and that those who are criminals are held accountable.

Mr. Nugent. I continue to reserve the balance of my time, Mr. Speaker.

Mr. McGovern. Mr. Speaker, I am happy to yield 1 minute to the gentleman from California (Ms. Speier).

Ms. Speier. Mr. Speaker, I thank my colleague from Massachusetts for yielding.

I rise in support of the progress this underlying bill makes in combating military sexual assault. Sexual assault in the military continues to be a serious problem. In 2012, an average of 70 servicemen and women were sexually assaulted every day. This is unacceptable. Moreover, only a fraction of these assaults are reported. Fewer yet are prosecuted.

More needs to be done at every level to establish comprehensive uniform solutions. I am pleased to see that this bill offers a renewed determination to stamp out the violence committed by military sexual assault. Sexual assault in the military continues to be a serious problem. In 2012, an average of 70 servicemen and women were sexually assaulted every day. This is unacceptable. Moreover, only a fraction of these assaults are reported. Fewer yet are prosecuted.

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I rise in support of the progress this underlying bill makes in combat-
we have done very little. Aberdeen, Tailhook, the military academies, Lackland, all of these are happening under our collective watch, and we have found it acceptable to hold hearings, to bring the brass up here, have them say the right words—"zero tolerance," but then go back and never hold any business. That is not good enough. And while the NDAA has some good fixes on the end of the process, we still have much to do on the front end.

There is a reason why there are 26,000 sexual assaults and rapes every year in the military and only 3,300 have the guts to come forward. It's because if you come forward, you're retaliated against. Some 63 percent are retaliated against. And of those 3,300 that report, only 500 of those cases are going to go to court-martial and only 200 will end up in a conviction.

So why would anyone report? Because your odds of getting justice are just not there. That's why it is important for us to have a debate on this House floor about taking these cases out of the chain of command. If it's in the chain of command, then you have the potential of having the assailant be the person making the decision, or the person responsible for the decision—the commander—being the friend of the assailant, or the commander itching for a promotion, who is fearful that if they find out that there was a rape under their watch, that they won't get that promotion.

Other countries have a similar Uniform Code of Military Justice. Ours is based on the British system. And the Brits and the Canadians and the New Zealanders and the Australians and the Israelis have all taken these cases out of the chain of command, and it's working. It's time for us to have that discussion as well.

I urge my colleagues to embrace an amendment that I will take up in Rules Committee that will give us the opportunity to have this debate—this healthy debate—on the House floor. Otherwise, I will guarantee you in another 6 months, in another year, we will see yet another scandal, and we will not have changed anything.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. BROWNLEY).

Ms. BROWNLEY of California, Mr. Speaker, I thank the gentleman of Massachusetts for yielding.

It has already been stated—but it is worth repeating again—in 2012, 26,000 servicemembers were sexually assaulted. If only one servicemember was assaulted, that is one too many.

Sexual assault in the military is intolerable—period. It is a terrible entrenched cultural flaw of our military that allows victims to be abused without accountability or justice.

While there are a number of legislative proposals to address this issue, the consensus is clear: we need a fail-safe solution that increases transparency and accountability so that the military no longer is a place where sexual assault is tolerated.

I am pleased that H.R. 1060 takes steps to improve the military justice system. However, I do believe the bill does not go far enough. We must do a better job.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from Minnesota (Ms. ELLISON).

Ms. ELLISON. Mr. Speaker, I am loath to turn attention away from this critical topic, and I agree with all of my colleagues on it. But also part of this rule is H.R. 1256, which is entitled the Swaps Jurisdiction Certainty Act. This bill reminds me of the old adage that's often said that "the past isn't dead. It isn't even past."

I'm referring to the global crisis—the global financial crisis—that a few years ago had every Member of this body absolutely on razor's edge inquiring what was going to happen to the American economy, and we ended up seeing the TARP passed and all types of things to try to avert collapse.

$13 trillion in lost wealth. Mr. Speaker, and still here we are looking at a bill—in a closed rule, mind you—that would allow offshore derivative swap trading to be beyond the jurisdiction of American regulators.

Mr. Speaker, let me just straight to the chase.

Congress granted the Commodity Futures Trading Commission explicit authority in the Dodd-Frank Wall Street Reform and Consumer Protection Act to oversee all derivatives transactions with a direct and significant connection to the U.S. economy.

So why would anyone report? Because your odds of getting justice are just not there. That's why it is important for us to have a debate on this House floor about taking these cases out of the chain of command. If it's in the chain of command, then you have the potential of having the assailant be the person making the decision, or the person responsible for the decision—the commander—being the friend of the assailant, or the commander itching for a promotion, who is fearful that if they find out that there was a rape under their watch, that they won't get that promotion.

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Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the distinguished ranking member of the Committee on Financial Services, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Thank you very much.

I rise to oppose the closed rule on H.R. 1256. H.R. 1256 really has no business being hidden in this bill at all. It is another attempt to keep the debate from taking place so that people will know what is happening when we go to have a regulatory regime that will protect us from having to bail out big institutions.

We are simply saying that we can't allow our financial institutions to have subsidiaries overseas that are doing business and trading and putting us at risk. Every time they get involved in a trade in which they don't have comparable rules in that country, what we are doing is putting this country at risk that we are going to have to bail out big financial institution because the harm will come right back to the parent company.

We, in Dodd-Frank, have said that we must have comparable rules, that we must have regulatory regimes that are comparable to ours in order to do business and to do trading in order to protect against big institutions failing. So now we have this H.R. 1256 that would undo all of that and drag it back into the shadows, this derivatives trading, putting us and putting us all at risk. We can't even debate it. We can't even have an amendment because, again, they're trying to kill Dodd-Frank.
Mr. NUGENT. I continue to reserve the balance of my time.

Mr. MCGOVERN. I would like to inquire of the gentleman from Florida how many additional speakers he may have.

Mr. NUGENT. I have none.

Mr. MCGOVERN. How much time do I have left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2 minutes remaining.

Mr. MCGOVERN. I yield 1 additional minute to the ranking member of the Committee on Financial Services, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Thank you so much. I do appreciate this. This is so important.

I am against this closed rule simply because we have mandated the kind of reform in Dodd-Frank that would keep us from ever being in the position in which we have to bail out these big institutions, and now we have so much organized push back and undermining of Dodd-Frank in which they are attempting to undo the reforms that we have done.

Simply put, we cannot allow the.branches and subsidiaries of these big broker dealers—these big banks—to go over and do trading with countries that don’t have comparable rules. If we allow that to happen, we will be forced to do what we have seen with AIG, which went to the tune of billions of dollars, and supposedly, we didn’t do reforms to keep from having to be in that position again. We will find that we will again be experiencing what happened with Goldman Sachs and others who ended up being the beneficiaries of our failed regulatory regime.

So I am opposed to the closed rule. Vote against the closed rule, and then vote against the bill.

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

Mr. MCGOVERN. I yield myself the remaining time.

Mr. Speaker, I get it. The Republican majority wants to repeal Dodd-Frank, and they’re using every possible vehicle they can to undermine Dodd-Frank, which puts consumers at risk by their constant attack on protections that, I think, most people in this country think are reasonable.

As I said from Ms. WATERS, the ranking member on the Committee on Financial Services, and from Mr. ELLISON, there is controversy around this bill. The thought that you would bring a bill like this to the floor that would weaken Dodd-Frank under a closed rule is really unforgivable, quite frankly. We ought to debate this. This is important stuff. There ought to be debates, and there ought to be amendments.

On the defense authorization bill, I just want to say this for the record: while I have no opposition to your bringing the DOD bill up for general debate, I do want to express my concern that when the Rules Committee considers the amendments that they be fair-minded about it and that all major issues, including the issues raised by a number of my colleagues on sexual assault, are addressed.

I also want to say that the war in Afghanistan will be debated on this floor. A central part of our defense budget right now is going to this war, and last year, we were shut out. I’m hoping that this year we will at least have the opportunity to bring an amendment to the floor, debate what our policy should be, and will let Members on both sides vote up or down.

I urge my colleagues to vote “no” because this does allow H.R. 1256 to come to the floor under a closed rule. That is wrong. This should be a more open and transparent process, especially when it comes to an issue that is so important. With that, I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, in closing, I would like to thank my colleagues for their support for the House. It allows the House to take action on two different but very important pieces of legislation.

It provides us with an opportunity to force the SEC and the CFTC to finally and jointly proscribe rules governing the U.S. institutions’ use of swaps and other financial derivatives while accessing international markets. This action will help ensure that we have a vibrant financial system and that American companies can manage the risks while remaining competitive in an international market. Additionally, it begins our consideration on the National Defense Authorization Act, providing the House with an hour of general debate on programs that make up our Department of Defense.

As a Member of Congress, as a three Blue Star parent, and as an American, I can think of nothing more important than providing our military with the tools that it needs to carry out their missions. These brave men and women put their lives on the line for our Nation each and every day. This legislation isn’t a thank-you to the troops, it’s our duty as citizens to acknowledge that we live in the land of the free only because of the service of the brave.

Mr. Speaker, we’ve heard a lot of discussion here on the floor, particularly as it relates to Dodd-Frank. First of all, this does not repeal Dodd-Frank. If it were to repeal Dodd-Frank, I’d vote for it, but it’s not a repeal of Dodd-Frank. As a matter of fact, this piece of legislation, the Swap Act, was actually voice voted out of the Agriculture Committee, which has joint jurisdiction over this piece of legislation. It should be voted on. In the Committee on Financial Services, 100 percent of the Republicans and two-thirds of the Democrats voted for its passage, so it isn’t exactly as one would hear the other side say.

When we talk about open rules, I think one of the things that distinguishes this Congress versus the 111th Congress is that this is one of the most open Congresses in the 112th Congress versus the 111th, which had absolutely zero open rules. I will remind my colleagues of that just because, as we talk about this and move forward on both of these issues, it’s important to know that we have an open rule coming up in which we have amendments that we are going to be considering in the Rules Committee in just a short period of time with the NDAA.

Lastly, I hear my colleagues talk about how for 25 years they have already committed the military to go and I can hardly stomach the fact that this body would allow that to happen over the last 25 years. As a former law enforcement officer, as one who vigorously prosecuted cases of sexual assault and rape, it should be no different for our armed services.

That is where my good friend Mr. MCGOVERN had mentioned the oversight of armed services and of this House to make sure that we hold people accountable; to make sure, as other Members have talked about, that members of our military are kept safe, and that those who would prey upon members of their own military unit will find swift justice so that nobody can say there is not justice in regards to the fact, if you commit a rape or a sexual assault in the military, that you will be prosecuted to the fullest extent of the law; that we make sure that we have victim advocates for those who are assaulted, and that we have good investigators who focus on those types of crimes and have the forensics to back it up so you have a strong prosecution. I think that’s what this NDAA bill is an attempt to do.

I strongly support the bill and the underlying legislation.

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

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCGOVERN. 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, this 15-minute vote on adoption of House Resolution 256 will be followed by 5-minute votes on motions to suspend the rules on H.R. 634 and H.R. 742.

The vote was taken by electronic device, and there were—yes 239, nays 184, not voting 11, as follows:

[Roll No. 214]

YEAS—239

Aderholt  
Barnes  
Bartlett  
Barr  
Barton  
Bash  
Bass  
Barletta  
Begich  
Bentivolio  
Biggs  
Bilirakis  
Black  
Blackburn  
Boehner  
Boucher  
Boren  
Bosworth  
Brady (TX)  
Brennan  
Broun  
Bucshon  
Buchanan  
Buchwald  
Budd  
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June 12, 2013

H3316

CONGRESSIONAL RECORD — HOUSE

Ms. McCOLLUM, Messrs. DAVID SCOTT of Georgia, PETERSON, THOMPSON of Mississippi, CUMMINGS, and VEASEY changed their vote from “yea” to “nay.”

Mr. HURT changed his vote from “nay” to “yea.”

So the result was agreed to. The vote of the announced was as above recorded.

A motion to reconsider was laid on the table.

BUSINESS RISK MITIGATION AND PRICE STABILIZATION ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 634) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes, 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. HEARSALING) 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 411, nays 12, not voting 11, as follows:

[A roll call vote was taken and recorded.]
The SPEAKER pro tempore. The motion to suspend the rules and pass the bill (H.R. 1256) is made in the name of the gentleman from Texas (Mr. JOHNSON, Sam), on behalf of the gentleman from Wisconsin (Mr. TITUS), and the gentleman from Wyoming (Mr. LAMORTELLE). The motion to suspend the rules and pass the bill was adopted by the following vote: yeas—2; nays—2.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. ROYBAL-ALLARD) that the House suspend the rules and pass the bill as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 12, as follows:

[Roll No. 216]

The result of the vote was announced as above recorded.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAMBOURN. Mr. Speaker, I was unavoidably detained due to a family medical emergency and was unable to vote on rollcall No. 212 and rollcall No. 213.

Had I been present, I would have voted "yea" on rollcall No. 212 and "yea" on rollcall No. 213.

SWAP DATA REPOSITORY AND CLEARINGHOUSE INDENMIFICATION CORRECTION ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 742) to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities under such Acts, 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. CRAWFORD) that the House suspend the rules and pass the bill as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 12, as follows:

[Roll No. 217]

The result of the vote was announced as above recorded.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SWAP JURISDICTION CERTAINTY ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 256, I call up the bill (H.R. 1256) to direct the Securities and Exchange Commission and the Commodity Futures Trading Commission to jointly adopt rules Pursuant to the application for cross-border swaps transactions of certain provisions relating to swaps that were enacted as
part of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 254, the amendments recommended by the Committee on Financial Services, printed in the bill, are adopted. The bill, as amended, is considered read.

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

H.R. 1256

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 “Swap Jurisdiction Certainty Act”.

SEC. 2. JOINT RULEMAKING ON CROSS-BORDER SWAPS.

(a) Joint Rulemaking Required.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall jointly set forth the application of United States swaps requirements of the Securities Exchange Act of 1934 and the Commodity Exchange Act relating to cross-border swaps and security-based swaps transactions involving U.S. persons or non-U.S. persons.

(2) CONSTRUCTION.—The rules required under paragraph (1) shall be identical, notwithstanding any difference in the authorities granted the Commissions in section 30(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd(c)) and section 2(1) of the Commodity Exchange Act (7 U.S.C. 2(1)), respectively, except to the extent necessary to accommodate differences in underlying statutory requirements under such Acts, and the rules thereunder.

(b) Considerations.—The Commissions shall jointly issue rules that address—

(1) the nature of the connections to the United States that require a non-U.S. person to register as a swap dealer, major swap participant, swap clearing organization, or major security-based swap participant under each Commission’s respective Acts and the regulations issued under such Acts;

(2) United States swaps requirements shall apply to the swap and security-based swap activities of non-U.S. persons, U.S. persons, and their branches, agencies, or affiliates outside of the United States and the extent to which such requirements shall apply; and

(3) the circumstances under which a non-U.S. person in compliance with the regulatory requirements of a foreign jurisdiction shall be exempt from United States swaps requirements.

(c) RULE IN ACCORDANCE WITH APA REQUIRED.—No guidance, memorandum of understanding, or any such other agreement may satisfy the requirement to issue a joint rule from the Commissions in accordance with section 553 of title 5, United States Code.

(d) GENERAL APPLICATION TO COUNTRIES OR ADMINISTRATIVE REGIONS HAVING NINE LARGEST MARKETS.—

(1) GENERAL APPLICATION.—In issuing rules under this section, the Commissions shall provide that a non-U.S. person in compliance with the swaps regulatory requirements of a country or administrative region that has one of the nine largest combined swap and security-based swap markets by notional amount in the calendar year preceding issuance of such rules, or other foreign jurisdiction as jointly determined by the Commissions, shall be exempt from United States swaps requirements in accordance with the schedule set forth in paragraph (2), unless the Commissions determine that the regulatory requirements of such country or administrative region or other foreign jurisdiction are not broadly equivalent to United States swaps requirements.

(2) EFFECTIVE DATE SCHEDULE.—The exemptions described in paragraph (1) and set forth under the rules required by this section shall apply to persons or transactions relating to or involving—

(A) countries or administrative regions described in such paragraph, or any other foreign jurisdiction as determined by the Commissions, accounting for the five largest combined swap and security-based swap markets by notional amount in the calendar year preceding issuance of such rules, on the date on which final rules are issued under this section; and

(B) the remaining countries or administrative regions described in such paragraph, or other foreign jurisdiction as determined by the Commissions, 1 year after the date on which such rules are issued.

(e) R EPORT TO CONGRESS.—If the Commissions make the joint determination described in subsection (d)(1) that the regulatory requirements of a country or administrative region described in such subsection are not broadly equivalent to United States swaps requirements, the Commissions shall articulate the basis for such determination in a written report transmitted to the Committee on Financial Services and the Committee on Agriculture of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the Senate within 30 days of the determination.

(f) CONFORMING AMENDMENTS.—

(1) R EQUIRED ASSESSMENT.—Beginning on the date on which final rules are issued under this section, the Commissions shall annually make a determination of the regulatory requirements of countries or administrative regions described in paragraph (1) and set forth under the rules required by this section, for purposes of the Swap Jurisdiction Certainty Act, after “to grant exemptions.”.

(2) COMMODITY EXCHANGE ACT.—Section 4(c)(1)(A) of the Commodity Exchange Act (7 U.S.C. 6c(1)(A)) is amended by inserting “or except as necessary to effectuate the purposes of the Swap Jurisdiction Certainty Act,” after “to grant exemptions.”.

The SPEAKER pro tempore. Debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from Texas (Ms. WATERS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous material for consideration of H.R. 1256, currently under consideration.

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

There was no objection.

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

Mr. Speaker, the legislation before the House this afternoon, H.R. 1256, the
Mr. Speaker, I need not tell anyone in this body that we regrettably continue to be in the middle of a non-recovery recovery. If it weren’t for the fact that so many people have actually left the job force—the working participation rate—our unemployment rate would be even higher. Many have just given up.

We know that for many, even though America has, in the past, produced 3½ percent economic growth and is probably capable of 4 or 5 percent economic growth with the right economic policies, regrettably, we find ourselves mired in 1½ percent GDP growth, which means, Mr. Speaker, a lot of American dreams go unfulfilled and a lot of our constituents lay awake at night wondering how are they going to pay the bills.

So, Mr. Speaker, jobs continue to be job number one. I believe, of the United States House of Representatives. But, regrettably, those who create jobs, those who employ our constituents, are drowning in a sea of red tape. There’s been an over 50 percent increase in regulations under the Obama administration. We know that it is directly correlated to the lackluster economic growth that we see in the Nation today.

I still vividly remember that one small business person in east Texas came up to me—he had a small cabinetry shop. Even though it was still profitable, he shut it down. He shut it down because of the red tape burden that rushed him and the jobs of 17 people who worked in east Texas. And he said, Congressman, it got to the point I just thought my Federal Government didn’t want me to succeed.

Mr. Speaker, we always have to be vigilant in ensuring that the red tape burden doesn’t strangle the jobs and hopes and aspirations of the American people. So that brings us to H.R. 1256, the Swap Jurisdiction Certainty Act.

Now, many of you who may be tuning in today may not be as familiar with the world of derivatives, but it’s a way that many farmers, ranchers, manufacturers hedge risk in order to become successful companies and employ people and sell their goods and services at competitive prices. An outfit like John Deere will use a derivative. They may do an interest rate swap as they finance a tractor for some ranchers or maybe they’ll hedge risk in order to become successful companies and employ people and sell their goods and services.

What are we trying to do with H.R. 1256 is make sure that those who are trying to access derivatives, to hedge risk, to create and sustain jobs, don’t automatically overnight have huge swaps of the global market pulled out from under them because, if they do, all of a sudden it could be that somebody can’t finance that tractor anymore.

Companies like Southwest Airlines that operate in my hometown of Dallas, Texas, they hedge their fuel cost; and if they can’t access global markets, who knows about the success of their hedging. Then, all of a sudden, the price of a ticket for grandparents to fly in from Kansas City to see their grandkids in Dallas, Texas, just became more prohibitive, it just became more expensive. An outfit like Coors, they’ll hedge their aluminum cost through swaps, maybe their wheat costs through swaps. And I don’t know about other Members, but I represent a lot of hardworking people in the Fifth District of Texas; and let me tell you, sometimes after a long working, putting in 40 hours at the Pepsi bottling plant or maybe putting it in at some of the other factories that we may have in Mesquite, somebody might just want to go to the 7-Eleven and buy a six-pack. And our Members want to be able to have that right. And the inability—to access global markets for swaps ultimately can actually inflate that cost. That’s not something I care to deny to hardworking Americans who want that.

This is a very simple and bipartisan bill. Mr. Speaker, this passed. We had a hearing in the Financial Services Committee and we had a markup in the Financial Services Committee. It passed with 100 percent of the Republican vote. It passed with almost two-thirds of the Democratic vote. You would think that we might be under the suspension calendar for this one, but in order to respect the wishes of the ranking member, we are having a more prolonged debate in addition to the one that we’ve already had in the committee.

But, Mr. Speaker, ultimately, this bill will do two things. It will tell the Securities and Exchange Commission and the Commodity Futures Trading Commission. You need to issue one joint rule when it comes really to American end users being able to access global markets, not one suggestion and one rule, two different rules. One rule. One rule, let’s take down a little complexity here.

Mr. Speaker, after Dodd-Frank, we’re about to celebrate its 3rd anniversary next month. After 3 years of deliberating, maybe it’s time to actually come out with a rule and create a little certainty for the people at Coors and at Southwest Airlines and at all the other employers and John Deere. Maybe it’s time to create a little certainty. So the bill says, Okay, let’s get this done in 9 months. You’ve had almost 3 years. It’s time to get it done.

And last but not least, in order not to pull the rug out from under these people on day one, it says, Do you know what? The nine largest markets, we are going to have a presumption that their regimes are broadly equivalent to the U.S. and not immediately deny access.

Now, at any given time, if the CFTC and SEC come to the conclusion that these regimes are not equivalent, that somehow they present risk to our economy, with the stroke of a pen they can change that presumption. But not on day one, not on day one.

Mr. Speaker, for the sake of economic growth, for the sake of jobs, to provide some certainty in a struggling economy, I would urge all—all—of my colleagues to support this bipartisan legislation that was voice voted in the Ag Committee, voice voted, and had unanimous—unanimous—consent of all Republicans and almost two-thirds of the Democrats on the Financial Services Committee, urge all my colleagues to support H.R. 1256.

I reserve the balance of my time.

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

I would like to try to clear up some of the misunderstandings of what this bill is about. The more we debate it, the better Members understand the impact of this bill on our economy.

The gentleman from Texas, the chairman, just talked about how generous they are in allowing this debate to take place. Members, let me tell you what really happened. The fact of the matter is there has been an attempt to hide H.R. 1256 in this Dodd bill. What business does it have in this bill? Why is it the Rules Committee determined that it would be a closed rule?

The first reason is that they tried to get away without having amendments to the bill. I had an amendment that I offered in committee that was not accepted, an amendment that if there were an open rule, I would have been able to offer this amendment on the floor. No, they close-ruled this bill to keep any amendments from being heard, to be debated, to be voted on, because they know that if Members really discover what these derivatives are all about and how they could create such risk that we’ll be put in the position of bailing out failed institutions all over again, that Members would not support this kind of bill.

This country has been through a terrible financial crisis. Part of the reason is that we allowed our banks and financial institutions to place unregulated bets on the mortgage markets. Remember AIG? What did AIG do? It made a really big bet that the mortgage market would go up, and it lost, and the taxpayer was put in the position of having to bail it out. The Dodd-Frank Act enabled us to put a stop to that kind of betting going on, hidden from the view of us, financing that activity out into the sunlight.

The CFTC and the SEC are finally putting in place rules of the road to
So, she, herself, was asking for a delay.

I now yield 5 minutes to the chairman of the Subcommittee on Capital Markets and Government Sponsored Enterprises, the author of this legislation, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman from Texas for yielding. I also want to thank the gentleman from Delaware (Mr. CARNEY), the gentleman also from Texas (Mr. CONWAY), and the gentleman from Georgia (Mr. SCOTT), who all, along with us, were able to work together in a bipartisan manner on this legislation.

I want to begin my comments today by clearing up what might be called a knee-jerk reaction that some commentators have made about our efforts on this legislation.

Today’s legislation is not about deregulating the swap markets or creating loopholes for market participants. In fact, this bill is just the opposite of that. You see, there is broad bipartisan support for appropriately regulating the swap markets and for shining the proverbial light of day, if you will, on what was once an opaque market and for providing greater additional transparency and clarity to this market is a positive thing for all—American consumers and taxpayers as well.

Yes, we have significant concerns about how the ongoing Dodd-Frank implementation of this appropriate regulation is being conducted. Only in Washington, D.C., would you have two, not one, regulatory bodies tasked to work together to implement rules required by Congress and then have them working down two separate, entirely different tracks on rules that will impact literally hundreds of American businesses and thousands of investors.

What you have is one agency over here, the SEC, with a 100-page informal guidance and the other, on the other hand, has just released a 1,000-page formal rule proposal. One proposal applies U.S. regulations to transactions taking place entirely outside the United States, and the other creates a new, detailed substitute compliance framework. So it’s hard to imagine a scenario in which these two proposals are more different. In effect, we have two very powerful U.S. regulators. Both of them are deciding upon hundreds of millions of dollars in budget and thousands of staff, but at the end of the day, they cannot sit down together and work out a common proposal.

That’s not what Dodd-Frank wanted them to do. They wanted them to come together, and that’s what this legislation would effectuate. H.R. 1256, the Swap Jurisdiction Certainty Act, will restore that much-needed sanity to the rules-writing of this extraterritorial application of U.S. swaps regulation.

Again, given that there has been some confusion and a great deal of mischaracterization by some commentators on the impact of this legislation, let me take a moment to make certain everyone understands exactly what it does and the effects it will have. You see, the legislation before us asks the CFTC and the SEC to continue to enjoy significant discretion and also flexibility as to how they implement the rules. We are not removing any of their current authority. In fact, we are adding to it, and we are enhancing it.

First and foremost, the legislation specifically requires the SEC and the CFTC to have the same or identical cross-border rules. I think it’s difficult—maybe it’s impossible—for any really has questionable legal authority for two domestic U.S. regulatory bodies to have two different standards governing very similar parts of the market. So, by simply requiring the agencies to get together and have identical rules, the bill will limit the ability for potential arbitrage opportunities for the market participants, and it will ensure that we have standard identical regulatory regimes for both types of swaps. This is a great deal of ongoing discussion right now, and how to limit how to limit regulatory arbitrage opportunities for market participants. Under this new regime, the most glaring area of potential in this area is if the SEC and the CFTC have different rules; secondly, the legislation would require a formal rule, not a guidance, to be issued. Currently, the CFTC is moving down the path of instituting a more amorphous guidance, if you will, which really has questionable legal authority. So, without a formal rule in place that carries the force of law, there is a valid concern that some entities won’t feel the need to even abide by this guidance from the CFTC or, if it’s challenged by a court, will feel the need to carry considerably less weight. So, by requiring a formal rule, the bill will then ensure that the force of law will apply without question.

Finally, the legislation specifically authorizes the SEC and CFTC to regulate swap transactions between the U.S. and foreign entities. Now, this is important if the regulators are concerned about the importation of systemic risk. Why is this important? Because under current law, it is really questionable what authority these agencies actually have to regulate potential transactions between the U.S. and foreign participants. We add this to it and give them that explicit authority.

So if the regulators are concerned about any foreign country not living up to the Obama administration’s G-20 commitments that was established back in 2009, then these regulators will be able to work together to specifically authorize under the act.

The expansion and enhancement, if you will, of the regulators’ current authority—I would think it should be well received by the administration.
The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentle- man an additional 45 seconds.

Mr. GARRETT. Finally, in a formal Statement on the Administration's policy, the administration argues that the bill will somehow slow down implementation of title VII. This can't be further from the truth. By requiring the agen- cies to work together and put the same rule, the bill removes legal obstacles here in Washington and ensure that we have the appropriate regulatory frame- work sooner rather than later. It will remind the people saying that we will somehow slow down implementation of these rules that, no, that cannot be fur- ther from the truth. Dodd-Frank was passed almost 3 years ago, and we're no closer today than we were 3 years ago to getting this done.

Mr. Speaker, let us restore, then, some common sense and some clarity to the rulemaking process and actually bring it some additional transparency. Let us not play into the narrative that the rest of the country has of a dys- functional Washington. Let us make sure that our financial regulators are actually working together and not try- ing to allow some to front-end each other. Let us pass this legislation.

Mr. WATERS. Mr. Speaker, at this time I enter into the RECORD three let- ters of opposition to this bill. One is from the Executive Office of the Presi- dent of the United States Office of Management and Budget; Americans for Financial Reform; and American Federation of Labor and Congress of Industrial Organizations.

DEAR REPRESENTATIVE: The AFL-CIO op- poses the “Swaps Jurisdiction Certainty Act” (H.R. 1256) because it would undermine the Framework Congress put in place in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to prevent risks that arise from overseas de- rivatives transactions conducted by U.S. financial institutions in overseas markets that nearly brought down the economy. This would not only weaken pro- tections that Congress so sensibly put in place when it passed Dodd-Frank in 2010.

Sincerely,

WILLIAM SAMUEL, Director, Government Affairs Department.


DEAR REPRESENTATIVE, on behalf of Ameri- cans for Financial Reform, we are writing to express our opposition to HR 1256, the “Swaps Jurisdiction Certainty Act”. This legislation is supported by Wall Street because it opens a back door in financial regu- lation that could allow the largest inter- national banks to evade U.S. derivatives regu- lation by transacting through their foreign subsidiaries.

Proper oversight of foreign subsidiaries is critical for any derivatives regulation to be effective. In the financial crisis, AIG re- quired a $182 billion public bailout for activi- ties conducted through its London office, and more recently JP Morgan’s ‘London Whale’ lost the company $6 billion. Neel Kashkari, who led the re- lease from Lehman Brothers, said that large Wall Street banks routinely transact well over half of their swaps business through for- eign subsidiaries. For this reason, the Dodd- Frank Wall Street Reform and Consumer Protection Act created a new entity called the Commodity Futures Trading Commission (CFTC) to move forward with effective rules designed to prevent risks that arise from overseas de- rivatives trading from impacting the U.S. economy.

The 2008 financial crisis provided vivid illus- trations of how derivatives transactions conducted in foreign jurisdictions in overseas markets can wreak havoc on the U.S. econo- my—both the AIG bailout and the Lehman Brothers failure were caused to a large extent by offshore derivatives trades.

As we saw with AIG and Lehman Brothers, U.S. institutions can easily conduct deriva- tives transactions using foreign legal entities, and offshore financial markets can weaken the ability to effectively regulate the CFTC to oversee derivatives transactions that “have a direct and signifi- cant connection with” U.S. commerce. Yet HR 1256 would block and hinder this over- sight in numerous ways, including by estab- lishing a presumption that foreign laws and regulations apply to U.S. swaps trades as a matter of law.

The proper oversight of international de- rivatives transactions is crucial to effective regulation of U.S. derivatives markets. Fi- nancial institutions that are predominantly U.S.-based can be given a competitive advan- tage by reinsuring their risks with out- side entities, and U.S. regulators are unable to police the activities of foreign jurisdic- tions. This rule would give foreign jurisdic- tions regulatory immunity, allowing them to evade U.S. oversight and limit the regula- tion of swaps that meet U.S. standards. It does this in sev- eral ways.

First, HR 1256 would effectively create a presumption that overseas derivatives trans- actions will be treated as conducted under foreign law, thus shielding them from the reach of U.S. regulation. Maintaining this principle is vital to ensuring that foreign derivatives transactions are not exposed to the risks to the U.S. economy. This would not only weaken pro- tections for U.S. financial markets, it would weaken the U.S. negotiating position in pres- enting foreign governments for adequate derivatives rules. The statutory provisions to properly enforcing U.S. regulatory authorities that are created by HR 1256 would undercut U.S. institutions, and we have only begun. They create numerous addi- tional opportunities for Wall Street to under- mine effective regulation.

Second, HR 1256 strips the CFTC of author- ity to independently determine derivatives rules for overseas transactions. It requires
any such rules to be passed by a joint rule-making between the SEC and CFTC, which must specify identical rules. The SEC regulates less than 10 percent of the gross notional amount marked and has jurisdiction over different types of swaps than the CFTC does. Furthermore, the agencies are already required to harmonize their regulation where appropriate, and rule-making is not intended for coordination, as the agencies regulate different derivatives markets. But it would hinder and delay the CFTC’s work to regulate interterritorial derivatives transactions. The purpose of this joint rule-making requirement is simply to add more hurdles and more delay before any action can be taken, making effective regulation less likely.

In addition to the impact of additional bureaucratic hurdles, in this case a joint rule-making requirement would also represent a dramatic roll back of the statutory mandate granted to the CFTC in overseeing 80% of the swaps market. Section 722(d) of the Dodd-Frank Act grants the CFTC jurisdiction over all activities that have a “direct and significant connection with activities in, or effect on, commerce among the States.” This is clearly the appropriate jurisdiction to protect U.S. taxpayers and the U.S. economy—it is unlikely that U.S. regulators have jurisdiction over potentially risky transactions that are directly connected to the U.S. economy. Yet the SEC has no such clear grant of jurisdiction in the Dodd-Frank Act. The effect of requiring a joint rule-making would be to eliminate the CFTC’s clear grant of jurisdiction over those transactions that are directly connected to U.S. commerce.

This long and complex legislation raises other issues as well. However, the core issue is that oversight of derivatives transactions in foreign subsidiaries of U.S. banks is not a side issue in derivatives regulation. It is at the heart of effective oversight of these vast and complex markets. The thousands of subsidiaries of major global banks allow them to transmit cash flows and risk from derivatives contracts around the world with unprecedented ease. If derivatives transactions impacting the U.S. market that are conducted through foreign subsidiaries are not regularly reviewed, then no regulation of U.S. activities will be effective.

The numerous additional statutory restrictions created by HR 1256 to block U.S. oversight of derivatives transactions conducted overseas would undermine derivatives regulation as a whole and weaken protections against financial instability.

Thank you for your consideration. For more information please contact AFPI’s Policy Director, Marcus Stanley at marcus@ourfinancialsecurity.org or 202-466-3672.

Sincerely,

AMERICANS FOR FINANCIAL REFORM:
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Sincerely,
In the modern financial system, risk knows no borders. Problems in a U.S. bank's foreign office flow right back to the parent company here in the U.S., and it is the U.S. parent company that ultimately bears the loss. This is especially true in derivatives, which are traded in a global and highly interconnected market. For these derivatives to be effective, however, they must cover derivatives executed in the foreign branches and guaranteed affiliates of U.S. banks.

I urge my colleagues to vote against this bill.

Mr. Speaker, I rise today in opposition to H.R. 1256, the Swap Jurisdiction Certainty Act.

I oppose this bill and the Obama Administration opposes because it would fundamentally undermine Dodd-Frank's derivatives reforms, and would create a loophole big enough to drive an AIG-sized truck through.

Mr. Speaker, I rise today in opposition to H.R. 1256, the Swap Jurisdiction Certainty Act.

I oppose this bill, as does the Obama Administration, because it would fundamentally undermine Dodd-Frank's derivatives reforms and would create a loophole big enough to drive an AIG-sized truck through.

Many of the derivatives that brought down AIG in 2008 were executed through one of its foreign branches, and many of the counterparties on those derivatives were European banks. These derivatives were a big factor in the AIG bailout that cost taxpayers $182 billion, and in the financial crisis that cost our economy over $12 trillion. Why would we want to repeat the same mistake?

H.R. 1256 would require the CFTC and the SEC to issue a joint rule detailing how U.S. derivatives rules would apply to transactions between U.S. and foreign companies or individuals. However, the bill then requires the agencies to exempt foreign companies from U.S. rules unless both agencies determine that the derivatives rules in the foreign country are "broadly equivalent" to U.S. rules—a vague standard that would weaken both the CFTC and the SEC's proposed rules governing cross-border transactions.

In the modern financial system, risk knows no borders. Problems in a U.S. bank's foreign office flow right back to the parent company here in the U.S., and it is the U.S. parent company that ultimately bears the loss. This is especially true in derivatives, which are traded in a global and highly interconnected market. For these derivatives to be effective, however, they must cover derivatives executed in the overseas branches and guaranteed affiliates of U.S. banks. This is what the CFTC has proposed, and what the supporters of this bill are seeking to prevent.

We cannot afford to outsource derivatives regulation to foreign jurisdictions when it is U.S. taxpayers, and not the taxpayers of the foreign jurisdiction, who are ultimately bearing the risks. We learned the hard way with AIG that risk in the derivatives market flows across borders. Why would we want to repeat the same mistake?

In response to the financial crisis, Congress enacted Dodd-Frank, which imposes common-sense rules on the derivatives market, such as capital and margin requirements for U.S. dealers. This makes the financial system safer by ensuring that U.S. banks that deal derivatives are sufficiently capitalized, and have the ability to pay off all of their derivatives without government help.

H.R. 1256 would undermine these basic reforms. This is a House appropriations bill. Why the Obama administration opposes the bill, and I would urge my colleagues to vote against the bill.
Mr. CAPUANO. Mr. Speaker, I thank the gentlewoman for yielding.

Look, this bill is not going to create jobs in America. This bill is all about foreign swaps. If we’re going to create jobs, we’re going to create them in foreign countries.

By the way, Dodd-Frank exempts foreign swaps activities from derivatives regs, except when they have—and this is a quote from the bill—“direct and significant connection with activities in, or effect on, commerce of the United States.”

Other than that, if they don’t affect us; they’re not subject to regulation. Simple. But if they’re done in a foreign country and they affect us, if it’s just a way to get around our regs, they’re subject to United States regulation. It’s really kind of simple.

By the way, according to The Wall Street Journal, the sixth largest banks of the United States combined have 22,621 subsidiaries. That’s an average of over 2000 subsidiaries each. Why? In order to get around this kind of regulation.

I don’t blame them. I’m not against swaps. I’m not against swaps conducted on foreign soil. I simply want them subjected to United States regulation.

I don’t think it’s that difficult. I don’t understand why we have to do this, except to say, Here’s a big open door. This is a huge hole to the regulatory process of the United States of America.

I understand that some Members of this body don’t like any regulation, and I respect that. But get up and say it.

Mr. HENSARLING. Mr. Speaker, may I inquire as to how much time remains on both sides.

Mr. HENSARLING. At this time, Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

This seems to be one of the most straightforward, commonsense pieces of legislation that I have seen in a long time.

As chairman of the subcommittee on Appropriations that oversees the budget of both the Securities and Exchange Commission and the Commodity Futures Trading Commission, and they would publish one rule that people can understand and live by. But that’s not the case.

You don’t have the similarities that you need; you don’t have them mirror each other. This bill does is simply say: Look, if we’re going to ask for this kind of regulation, let’s make sure that these two agencies publish the same rule. Otherwise you’ve got all kinds of uncertainty, all kinds of turmoil. If you’re a regulated individual or entity or company, how do you know what to comply with unless this happens?

Now, I don’t want to have to put language in the appropriations bill that kind of encourages folks to do that. It’s simple, just pass this bill. It sounds to me like we’re going to. It’s a bipartisan bill, and I encourage everyone to vote “yes” and move on.

Ms. WATERS. I yield 1½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the gentlelady for yielding.

I rise today in strong opposition to the bill before this House today, H.R. 1256, the Swaps Jurisdiction Certainty Act. It should be called the Wall Street Bailout Certainty Act because that’s the actual effect this is going to have. It will do serious and irrevocable harm to our efforts to rein in the reckless behavior of Wall Street.

In the words of our own Commodity Futures Trading Commission Chairman Gary Gensler, this bill will blow a huge hole in the hard-fought derivatives reforms we passed 3 years ago. Section 722 of the Dodd-Frank Act gives the CFTC authority to regulate overseas derivatives that have a direct and significant effect on the commerce of the United States.

If my colleagues need an example, I harken to the ranking member’s example of why this cross-border authority is so critically important, and that’s the case of AIG.

As chairman of the subcommittee on Appropriations that oversees the budget of both the SEC, we have heard from time to time to make sure that the SEC is doing their job—that is to protect investors, to make sure that capital markets are fair and stable. Here we have a situation where a certain arm of AIG, the derivatives, AIG engaged in increasingly complex and risky derivatives bets on the subprime mortgage market out of its AIG Financial Products subsidiary in London. And because there was virtually no oversight of derivatives markets, AIG Financial Products was able to deal in the shadows. And when the housing bubble burst, no one, not its directors, not its counterparties, not even its regulators, knew just how deeply they were in trouble AIG was.

So while we have adopted a number of regulations within Dodd-Frank, this bill will allow all of the companies that would be regulated to escape that regulation by doing these derivative deals through their foreign subsidiaries. And the four biggest derivative dealers in this country have over 3,000 foreign subsidiaries each. So this is an escape hatch for them. Vote “no” on this bill.

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

Ms. WATERS. I yield 1½ minutes to the gentleman from Texas (Mr. AL GREEN).
Mr. AL GREEN of Texas. Mr. Speaker, the question before us is whether we will outsource American economic stability in this quadrillion-dollar derivatives market to foreign subsidiaries of American companies. Will we outsource this quadrillion-dollar market? Now, a quadrillion is a big number. If you stack dollar bills one on the other, a quadrillion will take you all of the way from the Earth to the Sun. It’s important for us to remember that AIG outsourced to a foreign subsidiary. It was in London. And, of course, we know what happened with AIG. Finally, I will say this. We’re trying to jump-start the economy. We’re taking that apart right now. That's a shame, and it's going to cost the taxpayers.”

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

Ms. WATERS. I yield 1 1⁄2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I will get right to the point: AIG, Citibank, and Lehman are recent examples of institutions that declared bankruptcy, and their London subsidiary had more than 130,000 outstanding swaps contracts, many of them guaranteed by Lehman Brothers Holdings, headquartered in the U.S.

Bank of America, for example, has more than 2,000 subsidiaries, with 38 percent of them in foreign jurisdictions, those foreign jurisdictions, whether it be the Cayman Islands or any other jurisdiction, have no accountability from the American people, the American taxpayers, and vote down this.

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

Ms. WATERS. I yield an additional 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. What this bill says is that there will be more bailouts. I urge my colleagues to stand up for the American people, the American taxpayers, and vote this down.

Mr. HENSARLING. Will the gentleman from Texas yield?

Ms. WATERS. I yield to the gentleman from Texas.

Mr. LYNCH. Mr. Speaker, I thank the gentlelady for yielding.

Let me just make one final point on this. What this bill will do now is to give the Cayman Islands or London or some other jurisdiction the ability to dictate derivatives rules that cover U.S. affiliates.

Now, the problem with that very idea is that the Cayman Islands or any other jurisdiction have no interest in protecting the U.S. taxpayer. That’s the truth.

When the bailout for AIG came, it was $160 billion in U.S. currency, supported by the U.S. taxpayer, that bailed out AIG. So any of these foreign affiliates that go under in foreign jurisdictions, those foreign jurisdictions, whether it be the Cayman Islands or any other jurisdiction, have no interest, they have no dog in the fight to protect the American taxpayer.

That’s the problem with this bill. That’s the bottom line. We should vote against it. This is a disgrace. But it does show the power of Wall Street, I’ll say that.

Mr. HENSARLING. I yield myself 15 seconds, Mr. Speaker, to say, one, if this is a disgrace, you need to inform almost two-thirds of your Members who voted for it in committee. Second of all, nothing in this amends Dodd-Frank. Third of all, you all tell us Dodd-Frank ended “too big to fail,” so the specter of bailout I simply do not understand. You need to make up your mind.

I reserve the balance of my time.

Ms. WATERS. I yield myself as much time as I may consume to refute.

The gentleman from Texas keeps talking about we make the claim that we ended “too big to fail.” That’s what we’re trying to do. That’s what we’re standing up against, what you’re attempting to do in this piece of legislation.

Derivatives are an important part of the reform of Dodd-Frank. It is important because we’re trying to create transparency. The over-the-counter derivatives market that has been working for so long in the shadows we cannot continue to have.

Mr. HENSARLING. Will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Texas.

Mr. HENSARLING. If I misquoted the gentlelady, I apologize, but I thought I had seen earlier quotes where the gentlelady posited that Dodd-Frank ended “too big to fail.” If I was incorrect, I apologize to the gentlelady, but I thought you had said that on more than one occasion.

Ms. WATERS. Reclaiming my time, the gentleman from Texas knows how it works. We have Dodd-Frank reform, and it has to be implemented. You know the living wills have to be done. You know that we have to put in place all that it takes to have the orderly liquidation procedure. And it is important that you understand that all of our Members understand, that derivatives are an important part of reform.
Mr. CONAWAY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to pass H.R. 1256, the Swap Jurisdiction Certainty Act. Swaps are important tools that our farmers, ranchers, and businesses rely on to hedge the risks of competing in a global marketplace. Yet later this month, guidance the CFTC issued could fundamentally disrupt these markets here at home and around the world unless Congress acts today.

Last summer, the CFTC issued its proposed crossborder guidance to the marketplace for review and comment, explaining how it would regulate swaps entered into by foreign companies. What we produced was starting in its reach—the guidance declares that almost any swap entered into by anyone with any interest related to the United States falls under the jurisdiction of the CFTC and the Dodd-Frank Act.

Chairman of the Agriculture, Rural, and First Farms, CROPS, CFTC, and Risk Management Subcommittee, I held a hearing on this issue last December with Commissioners Sommers and Chilton from the CFTC and regulators from the European Union and Japan. Each witness agreed that it was imperative that we get the crossborder application of Dodd-Frank correct and that the U.S. not try to police swap markets around the world.

Respect for equivalent, but not necessarily identical, regulatory standards has been a cornerstone of international banking regulations for decades. The CFTC as rewritten the principles of international cooperation with this guidance, insisting that it alone can and should manage the global swaps markets. Predictably, this was met with universal outcry from foreign governments and international regulators.

But today’s bill is about far more than just the pride of international regulators. If the CFTC’s guidance stands and equivalence is no longer recognized, the global derivatives market can become regionalized as institutions and customers transact a majority of their business within their home economies. Such an outcome would concentrate specific risks in various economies and sectors of the world.

Here at home, American end users who use swaps to manage everyday business risks may have fewer counterparty options to work with. Fewer counterparties means that there will be less competition and liquidity in the market, leading to higher costs for end users and a concentration of higher risk in the United States.

Not only has the CFTC failed to cooperate with international regulators, it’s failed to do so at home, as well, leading the SEC to propose a separate rule governing the small slice of swaps...
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markets that it regulates. Today, there are two different sets of rules for when market participants are subject to U.S. law, depending on what instrument is being traded.

The Swap Jurisdiction Certainty Act will allay those fears. First, it requires that the CFTC and the SEC cooperate on a single, joint rule for the extraterritorial application of Dodd-Frank regulations. Second, it requires the CFTC and the SEC to recognize the competence of certain sophisticated foreign regulators, unless they can both agree that the regulators have failed to produce equivalent requirements.

For all the back and forth today, this is a simple, straightforward bill. In a nutshell, it requires the CFTC and the SEC to cooperate, both with each other and with the rest of the world—exactly what they should have been doing all along.

I'd like to thank my counterpart on the Financial Services Committee, Mr. GARRETT, for his work on bringing this legislation to the floor today. I would, as well, like to thank Ranking Member DAVID SCOTT, who continues to be a leader on this legislation to the floor today. I would, as well, like to thank Ranking Member DAVID SCOTT, who continues to be a thoughtful and productive partner on issues of culture and commerce. And, finally, I'd like to thank Chairman FRANK LUCAS who never lets us forget that our constituents depend on these markets to manage their businesses and protect themselves in an uncertain world.

With that, I urge swift passage of the legislation and reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Let me say at the outset that what has been clearly brought to our attention today is a great need for leadership. That's what this is about. Derivatives are here. The other side pointed out that the difference we're dealing with is a $600 trillion piece of the world economy. It must have rules. It must have regulations. This is the duty and responsibility of the United States Congress to do so. To do otherwise would indeed weaken Dodd-Frank.

What this bill does is strengthen Dodd-Frank. That's what this bill is about.

Mr. SCOTT for yielding time and for his leadership on this issue.

Mr. CARNEY. I would like to thank Mr. CARNEY. I yield 2 minutes to a former member of the Agriculture Committee and the subcommittee, the gentleman from North Carolina (Mr. HUDSON).

Mr. HUDSON. Mr. Speaker, I rise today in strong support of H.R. 1256, the Swap Jurisdiction Certainty Act, which requires the CFTC and the SEC to cooperate on a single rule for how U.S. derivatives regulations are applied overseas.

This bill and several others we will consider today are critically important to the work we have begun in the House Agriculture Committee to reform Dodd-Frank and make this bill less onerous for our farmers and bankers.

As Commissioner Jill Sommers noted, it appears as though the CFTC was “guided by what could only be called the Intergalactic Commerce Clause” as they prepared their cross-border guidance when it was released last summer.

How foreign institutions comply with Dodd-Frank is of enormous concern. The CFTC has taken the position that virtually everyone everywhere is a U.S. person and subject to its jurisdiction. Without question, this expansive claim of jurisdiction is going to raise the cost for farmers and end users in my home State of North Carolina to hedge their risk and diminish global competitiveness of our domestic financial firms, which employ many people back home in North Carolina.

The CFTC is risking all this to an end that no one seems to fully understand. Their actions are raising regulatory reform more burdensome and more complicated, while serving only to alienate the CFTC and U.S. markets from the rest of the world.

The Swap Jurisdiction Certainty Act would force the CFTC to cooperate with the SEC on a single standard for cross-border application of swaps regulations. In addition, the bill is narrowly tailored to ensure that the nine foreign swaps markets that are most active in the United States would not allow unchecked swaps markets to spring up in Caribbean island nations or the four corners of Southeast Asia, as some on the other side of the aisle have alluded. Instead, it directs the CFTC to do what it should have done in the first place: to cooperate with its fellow regulators both down the street and around the world.

I urge its adoption.

Mr. CONAWAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. I would like to thank Mr. SCOTT for yielding time and for his leadership on this issue.

I rise today in support of H.R. 1256. It will lead to a stronger, more robust set of regulations for the derivatives market.
Let me be clear, this is not an effort to roll back Title VII of Dodd-Frank or to weaken its reach overseas. In fact, its intent is to harmonize regulations for cross-border swaps transactions, to eliminate confusion, and to prevent the establishment of two sets of rules in certain jurisdictions, which we know will leave us vulnerable to companies who would want to exploit those loopholes. In fact, this is a goal that our former chair and ranking member articulated in a letter that he co-signed with Senator Tim Johnson to the regulators dated October 4, 2011, in which he says:

U.S. regulators should work with other international regulators to seek broad harmonization of appropriately tough and effective standards. Should current harmonization efforts ultimately fail or prove a race to the bottom that would undermine effective regulation, the U.S. would of course reserve the right to proceed to extend the application of its standards to overseas operations.

That’s exactly what this bill does: it calls on the CFTC and the SEC to issue joint regulations in overseas markets, and in the G8 plus Hong Kong, in those markets where there are already rigorous regulations, the CFTC to determine which regulations are strong enough. If they are not, they can apply our regulations there.

So this bill is a good bill to create one set of regulations around the world that will be strong and clear and consistent.

Mr. Speaker, I rise today to support H.R. 1256. It will lead to a stronger, more robust set of regulations for the derivatives market.

And let me be clear, this is not an effort to roll back Title 7 of Dodd-Frank or to weaken its reach overseas.

In fact its intent is to harmonize regulations for cross-border swaps transactions.

To eliminate confusion.

And prevent the establishment of two sets of rules in certain jurisdictions—which we know leaves us vulnerable to companies who want to exploit loopholes when there’s a patchwork of regulations.

Unfortunately, while the passage of Dodd-Frank the CFTC and SEC have moved forward with conflicting proposals to enforce Dodd-Frank derivatives law in markets overseas.

This bill has one goal: to create clear, strong and consistent international regulations governing derivatives transactions for U.S. companies operating around the world.

It does this in two ways.

First: it tells the SEC and CFTC to coordinate and issue their swaps regulations jointly. That way we have one set of regulations that companies have to follow.

Under current law, the two agencies can issue overlapping, or even conflicting regulations. In fact, that’s exactly what they’ve done.

This is confusing and burdensome for U.S. firms. But more importantly, it creates opportunities for firms to exploit inconsistencies and loopholes in the regulations.

This bill requires one consistent set of regulations to close loopholes and eliminate confusion.

Second: this bill acknowledges the strong regulatory commitment some nations have already made to regulate swaps.

The bill says that since these countries are moving forward with derivatives regulations that are comparable to ours in scope and rigor, companies engaged in derivatives transactions in these countries can follow those regulations.

During consideration of this bill in the Financial Services Committee, I supported an amendment offered by the Ranking Member that would have flipped the presumption in the bill.

Instead of presuming that certain countries have broadly equivalent regulations to ours, it would’ve required the regulators to proactive directives to make that determination. That amendment didn’t pass. But there is a failsafe in this bill. But, this is critical. Under this bill, if the SEC and CFTC look at these countries’ regulations and determine that they are not in fact as strong or robust as our regulations, the agencies can require that companies operating in those countries follow U.S. law.

Our regulators remain in control. Without this bill, firms operating overseas, even in the nine countries where most of this business will move, will have to comply both with U.S. regulation, and the regulations of the other countries.

Again, this leaves us vulnerable to firms that want to exploit this patchwork regulatory framework. Or worse, it could drive derivative trading away from US firms and further away from the view of our regulators.

The SEC, just a few weeks ago, proposed a draft rule that acknowledges the need for harmonization between our rules and the rules of other countries.

Here’s the bottom line.

The goal is really simple, and that is to reach an accommodation where we have strong regulatory requirements that are consistent across borders, that are strong, but that do not create loopholes or confusion in those markets.

Mr. CONAWAY. Mr. Speaker, may I inquire as to how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Georgia has 3 minutes remaining.

Mr. CONAWAY. Mr. Speaker, I yield 1 1⁄2 minutes to the gentleman from Florida (Mr. MURPHY).

Mr. MURPHY. I thank the gentleman from Georgia for yielding. I rise in support of H.R. 1256. Title VII of Dodd-Frank contains important reforms to the derivative market so that complicated, unregulated financial instruments can never bring our economy to its knees again. However, no law is perfect, and we should look for ways to improve Wall Street Reform to keep unintended consequences from trickling down to Main Street.

The bill before us would put SEC and CFTC on the same page, giving American businesses the ability to compete with foreign companies on a level playing field. This will not destabilize the global financial system because the bill demands a broadly equivalent swaps regime as Title VII.

The global derivatives market depends on smart regulations, not duplicative or conflicting requirements. I urge my colleagues to support this commonsense, technical adjustment.

Mr. CONAWAY. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Georgia is advised that he has 3 minutes remaining.

Mr. DAVID SCOTT of Georgia. With that, I yield 1⁄2 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. I thank the gentleman from Georgia. I rise today to support H.R. 1256, the Swap Jurisdiction Certainty Act.

I proudly supported the Dodd-Frank Wall Street Reform Act because I believed that regulations of derivatives were desperately needed, and today I believe we have to support this very modest change because I believe that the inability of the CFTC and the SEC to come together on a definition of “U.S. persons” is centrally important to effective cross-border rules and regulations and rules of the road.

Now, I did support the gentleday from California’s amendment for switching the presumption. Because of the closed rules, we were unable to take that up at this time, and I believe it would have improved the bill. However, although this amendment was not adopted, I believe that the regulators will continue to have the authority to regulate any overseas swaps transactions under U.S. rules if they choose to do so.

I believe that without this bill we could find U.S. companies going outside not only the jurisdiction of the United States and our losing our competitiveness, but those activities could migrate away from U.S. companies overseas to companies outside of the reach of U.S. regulators. So I would urge my colleagues to support this important legislation.

Mr. CONAWAY. I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. With no other speakers, Mr. Speaker, let me just close by saying, with the international interconnection, complex nature of financial markets and the sizeable role the derivatives play within the global economy—as I mentioned, $600 trillion—international harmonization of rulemaking between the CFTC and the SEC is critical, and a coordinated regulatory cooperation between the nine largest global partners keeping our financial institutions at a competitive position is critical. That’s what this bill does.

I urge all of my colleagues to support this important and timely piece of legislation.

I yield back the balance of my time.
We have heard from a number of foreign governments around the world on their entities’ regulatory schemes and—let me just say—strong disagreement with the cross-border guidance that Chairman Gensler and the CFTC proposed.

We have heard from Ministers of Finance from the United Kingdom, the European Commission, France, Brazil, Germany, South Africa, Russia, and Switzerland. We’ve heard from the European Securities and Markets Authority. And we’ve heard from the Reserve Bank of Australia and the Australian Securities and Investments Commission. The Hong Kong Secretary for Financial Services and the Treasury. Japan has weighed in with the Japan Financial Services Agency and the Bank of Japan. The Monetary Authority of Singapore, the Swiss Financial Market Supervisory Authority, and from the UK we’ve heard from the Chancellor of the Exchequer and the Financial Conduct Authority.

I would like to submit for the RECORD two of those letters; one to Secretary Lew from a number of folks, and the other is to Chairman Gensler from England, the European Union, Japan, as well as France. Mr. Speaker, all of these letters are posted on the Agriculture Committee’s Web site for constituents and others to read and get a flavor of what our fellow regulators around the world are saying about this. None of them have any interest in an unregulated market. They all see the risks that we see.

This bill simply asks the SEC and the CFTC to get along, come to a conclusion, whatever that might be, and then deal equitably with their fellow regulators. The principle is that of fairness and sustained. This bill goes a long way to fixing that.

We urge all authorities to work with us to achieve an outcome that meets the principles outlined in this letter and we, in turn, continue to work to address the areas of concern which are most fundamental to others. To this end, this letter is copied to the Chairman of the FSB; the Chairman of the CFTC; the Chairman of the SEC; the Chairman of the U.S. Senate Committee on Agriculture, Nutrition and Foreign; and the Chairman of the US House of Representatives Committee on Agriculture.

Yours sincerely,

Guido Mantega,
Minister of Finance,
Government of Brazil.

Pierro Moscovici,
Minister of Finance,
Government of France.

Taro Aso,
Deputy Prime Minister and Minister of Finance, Minister of State for Financial Services, Governor of Japan.

Pravin Gordhan,
Minister of Finance,
Government of South Africa.

Georg Osborne,
Chancellor of the Exchequer, UK Government.

Michel Barnier,
Commissioner for Internal Market and Services, European Commission.

Wolfang Schäuble,
Minister of Finance,
Government of Germany.

Anton Siluanov,
Minister of Finance,
Government of Russia.

Eveline Widmer-Schlumpf,
Federal Minister, Government of Switzerland.
Many of our major Wall Street banks, such as Bank of America alone has subsidiaries in approximately 40 countries. Given the massive size of this market, we need the strongest possible rules over swaps transactions in foreign subsidiaries that could adversely affect U.S. banks and bank holding companies. 

Unfortunately, this bill will prevent our primary regulator of the swaps market, the Commodity Futures Trading Commission, from finalizing strong regulations. The CFTC has spent years crafting strong rules governing swaps. The CFTC, which operates outside the cross-border derivatives and has received a large amount of industry input on these rules. The most recent draft was circulated on May 16, 2013. If this bill passes, that entire process will be stopped in its tracks, even as the rules are supposed to be finalized within the next 30 days. Enacting this bill now is tantamount to tripping the CFTC at the finish line.

Even beyond the poor timing of this bill, the bill will substantially weaken the CFTC’s ability to regulate the global swaps market. Under the text of H.R. 1256, the CFTC and the SEC are to jointly release rules governing cross-border swaps. Yet, as part of that rulemaking, the CFTC and SEC are required to assume that a foreign person in compliance with the regulatory requirements of the largest combined swap jurisdictions is also in compliance with all U.S. swaps rules. Given that the United States sets the global standard in financial matters, this provision effectively makes all global swaps rules only as strong as the rules of the weakest country among the nine largest jurisdictions. In other words, it will prompt a regulatory race to the bottom, which is a recipe for disaster.

Have we learned nothing from the excesses of the Bush Administration, when financial deregulation allowed recklessly risk-taking derivatives driving a financial market collapse? Just five years after that experience, this is a bill that allows for increased deregulation of some of Wall Street’s most dangerous financial products at a time when we need more regulation of swaps. It was only one year ago that J.P. Morgan experienced its “London Whale” fiasco, where bad decisions by J.P. Morgan personnel in London resulted in New York based J.P. Morgan taking a loss of $6.2 billion. No one in senior management, risk, legal, or compliance personnel in London resulted in New York. I am in its current form.

The SPEAKER pro tempore. All time for debate has expired.

Mr. BLUMENTHAUER. Mr. Speaker, I supported the passage of the Dodd-Frank Wall Street Reform Act in 2010 to rein in Wall Street, end taxpayer bailouts of big banks, and protect consumers. Under this Act, the CFTC and the SEC were charged with regulating a number of new swaps, including unregulated or poorly regulated Wall Street and financial service sector activities that led in large part to the 2008 crisis, including the $700 trillion derivatives market.

While Congress has a responsibility to ensure that the reforms enacted under Dodd-Frank are clear and effective—and many may still require clarification from Congress—the bill under consideration today, H.R. 1526, is premature and potentially damaging. I therefore do not support this legislation.

Regulators at the CFTC and the SEC continue to make progress on implementing important regulations of the derivatives market. Given this progress and the fact that this is an ongoing process, intervening and micromanaging the rulemaking process at this stage would only delay the positive benefits these changes will have for Americans.

I also have concerns that this legislation sets a policy that would make it more difficult for regulators to ensure that U.S. derivatives transactions conducted overseas through foreign entities are subject to the new rules, potentially opening up a hole in the regulatory process. In requiring that the CFTC and the SEC issue a joint determination along with a formal report to Congress to establish that another country’s rules are not "broadly comparable" to U.S. rules, this legislation creates an extra layer of bureaucracy on these already overburdened agencies that will hinder their effectiveness.

Regulating the derivatives market is a huge and important job. This legislation slows this progress without benefit to the American people or our economy.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the bill being considered today, H.R. 1256, the Swap Jurisdiction Certainty Act. Although couched as an innocuous bill to ensure strong regulations on Wall Street banks trading in these financial products, the size of the global swaps market is staggering.

According to the Bank for International Settlements, at the end of last year, the total notional value of outstanding over-the-counter swaps was over 632 trillion dollars. Again, 632 trillion dollars. In comparison, the gross domestic product of the entire United States was just 15.1 trillion dollars at the end of last year. The swaps market is over 40 times larger than the entire U.S. economy; in fact, the swaps market is 10 times larger than the entire global economy.

This market is also truly global in scope. Many of our major Wall Street banks, such as J.P. Morgan, Bank of America, and Goldman Sachs, have significant foreign subsidiaries.

The problem with today’s legislation is that it seeks to achieve regulatory certainty for these kinds of transactions by effectively substituting foreign regulatory schemes for our own safeguards unless the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC) both agree that the foreign country’s rules are "broadly equivalent to our own.

Like the Administration, I would prefer for Americans to rely on U.S. law for protection in this area, and for our regulators to finish their work on these important regulations without coordination with their foreign counterparts—rather than presume that foreign regulations, and in some cases foreign regulation that hasn’t even been written yet, will be sufficient to do the job.

Mr. SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 256, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

The Clerk read as follows:

Page 7, after line 24, insert the following:

(g) EXCLUSIONS OF CORPORATIONS THAT

Page 11, after line 2, insert the following:

Page 8, line 1, strike "(4)" and insert "(5)"

Page 11, after line 2, insert the following:

(g) EXCLUSIONS OF CORPORATIONS THAT

Page 9, line 1, strike "(4)" and insert "(5)"

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Government of the United States or U.S. companies.

Page 11, line 3, strike "(g)" and insert "(h)."

Mr. SEAN PATRICK MALONEY of New York. (during the reading). I ask unanimous consent to dispense with the reading.

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

Mrs. WAGNER. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes in support of his motion.

Mr. SEAN PATRICK MALONEY of New York. Thank you, Mr. Speaker.

I rise today to offer the final amendment to the bill. It will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage as amended.

I rise to offer this motion to recommit because this bill in its current form misses an opportunity to do more, and we should not let that opportunity pass.

The underlying legislation has the goal of extending reasonable accommodations to like-minded friends and allies around the globe. A stronger, better coordinated global regulatory framework is, of course, a goal that we all share.

My amendment is simple. It says that the accommodations we extend to our friends must not be extended to those who actively seek to harm the United States—our citizens, our allies, our corporations—by violating the Iran Sanctions Act or by engaging in cyber attacks against the United States.

The dangers of a nuclear Iran are real. They are made even more real by actors who continue to bypass American sanctions to govern cross-border swap transactions. The delay and disorder on the international community and to eliminate any new sources of funding to the Iranian regime.

My amendment also targets countries that engage in cyber attacks against our country or our corporations. Countries like Iran and other countries that undermine the United States, our companies, our infrastructure, our systems every day, thousands of times a day.

Cyber attacks result in a huge economic loss to our intellectual property to the tune of hundreds of billions of dollars annually, not to mention the extreme danger to our national security, our banks, our infrastructure.

My amendment doesn’t allow transactions under this bill that would harm either the United States or Israel. We cannot and should not walk away from this issue end today.

Mr. Speaker, my friends on the other side of the aisle just refuse to face the fact that 3 years ago with the passage of Dodd-Frank they created some of the most complex and confusing rules our economy has ever seen.

It is by no means a coincidence that the difficulties faced by farmers and small businesses and families in obtaining credit today is a direct result of Dodd-Frank’s chilling effect on our capital markets.

The bill that we are considering today has nothing to do with cyber attacks. Although this is an important matter, this issue has nothing to do with cyber attacks. If it was so important, I’m wondering why it was not offered in either committee where we were fully debating this particular bill.

Mr. Speaker, disparate regulations governing the same behavior hinder the capital markets and hurt the economy. I am hopeful that a bipartisan vote on this legislation will send a strong signal to our regulators in Washington that finally, after 3 years, they need to come together for the good of economic growth and prosperity. I urge a “yes” vote on the motion to recommit and a “yes” vote on H.R. 1256.

I yield back the balance of my time.
Mssrs. CALVERT, ROGERS of Alabama, YOUNG of Indiana, and CAMP changed their vote from ‘yea’ to ‘nay.’

Mr. HUFFMAN and Ms. WILSON of Florida changed their vote from ‘nay’ to ‘yea.’

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
The Clerk read the title of the bill.

The legislation advances our national security objectives, provides support and logistical resources for our warfighters, and helps the United States confront the national security challenges of the 21st century. The bill authorizes $502.1 billion for national defense in the base budget. It also authorizes another $85.8 billion for Overseas Contingency Operations, consistent with the House budget, and the bill contains no earmarks.

Of critical importance, the bill takes serious and significant steps to end the crisis of sexual assault in our military. This includes stripping the commanders of their authority to dismiss cases as above recorded.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1960.

The SPEAKER pro tempore (Mr. NOLAN) changed his vote from "nay" to "yea.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

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The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
Elsewhere in the bill, despite historic cuts to our Armed Forces, we prevent military readiness shortfalls from becoming a readiness emergency. We restore flying hours for the Army and Air Force squadrons, direct money to help reset equipment returning from Afghanistan, and relieve some of the military’s maintenance backlogs.

The bill also provides our warfighters with resources and authorities they need to win the war in Afghanistan and to pressure at al Qaeda and its affiliates. We fund important programs and authorities that support the transition in Afghanistan and U.S. national security interests. However, we prohibit the use of the majority of those funds until the Secretary of Defense certifies that U.S. priorities have been accommodated in a bilateral security agreement.

We have made controlling costs a top priority. However, the mark guards against achieving false, short-term savings at the expense of vital, long-term strategic capabilities. For example, we prohibit the premature retirement of Navy cruisers and amphibious assault ships that are vital to the Pacific-focused strategy. The bill also continues investments in oversight for key systems while preserving our capacity to meet future challenges.

The bill continues our care for our warfighters, veterans and their families with the support they earned through their service; and it mandates fiscal responsibility, transparency, and accountability within the Department of Defense.

The bill reduces the number of general officer billets and works to end redundancies in military headquarters and task forces.

For 51 straight years, the National Defense Authorization Act has been passed and signed into law; Congress has higher responsibility than to provide for the common defense. And with that in mind, I look forward to passing this bill for the 52nd consecutive year.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 4 minutes.

I want to thank Chairman MCKEON and the entire committee—and most importantly the staff. It’s always this time of year when our staff never sleeps and does an amazing job of pulling this bill together.

We, once again, worked in a very bipartisan fashion, worked the bill through the process—a series of hearings, the markup last week. I thank the chairman, veterans and their families in continuing that bipartisan tradition in the hopes of, for the 52nd straight year, getting our bill done. So I appreciate working with him and with all the members of the committee and the staff.

This bill, overall, sets the right priorities, I believe. It makes sure that our military is funded and that our troops get the equipment and support that they need to carry out the missions that we ask them to do. That is something General Dempsey says all the time: We’ll do whatever you ask us to do; just make sure that you provide us with the resources to do it.

Whatever we, as policymakers, decide the military should perform, it’s our obligation to make sure that it’s funded. I believe this bill does that. It particularly prioritizes Special Operations Forces, intelligence surveillance and reconnaissance, and the kind of equipment that we will need to confront the terrorist asymmetric threats that are so central to our challenges right now on national security.

As the chairman mentioned, it also takes steps on the sexual assault problem. I will say that no piece of legislation is going to fix this. The military needs to change its culture and prioritize the protection of the men and women in our service. This legislation will help, certainly; but this is a huge crisis in the military that has not yet stepped up to it. I think it is one of the most important challenges that we face in national security.

This piece of legislation also recognizes that we are still at war. It funds the ongoing war in Afghanistan to make sure that our troops have the support that they need to carry out that mission.

However, there are a couple of things in the bill that I am concerned about. I believe that we do need to close Guantanamo, and I have an amendment before the Rules Committee which hopefully will be made in order that will set us on a process to do that. I agree with people who say that we can’t simply close it tomorrow, we need a plan. My amendment would require that the President come up with such a plan in 60 days and implement it as soon as possible.

I continue to be concerned that the President has the power to indefinitely detain any person captured in the United States who is designated to be an enemy combatant. That is a level of executive power that I do not think is necessary; and as we have seen in recent weeks, people are growing concerned about the amount of power the executive branch has. Again, I will have an amendment to try to change that as well.

Lastly, it is worth mentioning—sequestration. This bill is marked to a level that assumes sequestration will not happen. I think that’s appropriate. That’s where we’re at and what we have to do, but it points up the challenge of sequestration. If sequestration happens, this bill is going to have to be cut by between $40 billion and $50 billion. Where would that money come from? How would we make that work? Especially the way sequestration works, mindless, across-the-board cuts. The sad truth is that’s the likely outcome. The real truth is that’s the likely outcome. That is the product of sequestration that we’ve seen. I thank the chairman for his leadership in continually bringing home how important this is, but we haven’t gotten there yet. We need to keep emphasizing that.

With that, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the vice chairman of the Armed Services Committee, the chairman of the Subcommittee on Intelligence, Emerging Threats and Capabilities, the gentleman from Texas Mr. THORNBERY.

Mr. THORNBERY. I appreciate the chairman yielding.

I think the first thing that should be said is that it is a tremendous credit to the chairman and the ranking member that we are where we are today. It may be true that for 51 straight years a defense authorization bill has been signed into law, but that doesn’t make it easy to do number 52.

I also want to express particular appreciation to the ranking member on our subcommittee, Mr. LANGEVIN, because that, too, has been a partnership in dealing with a number of complex issues, including Special Operations, cybersecurity, science and technology, and military intelligence issues.

One of the key priorities for us on this subcommittee is oversight. If you think back 2 years ago, in this bill we instituted a quarterly reporting requirement for certain counterterrorism operations involving Special Operations. Last year, we had a quarterly reporting requirement on cyber operations. This year, in the full committee mark, is a reporting requirement involving sensitive military operations, including lethal and capture operations that is designed for oversight before, just after, and, in a broader sense, after these events have occurred. Oversight is a critically important part of everything the committee does, especially in these complex areas.

There are a number of other provisions, Mr. Chairman, dealing with military intelligence, cyber, Special Operations, and science and technology that take important steps forward in helping this country to be safer.

I will note I find it strange that the administration seems to oppose requiring the Defense Clandestine Service to focus its collection on defense priorities. That is what we require in this bill, and for some reason that gives the administration heartburn. I hope we can continue to have conversations with them about it because it seems to me that’s exactly what a defense clandestine service should be focused on.

There are other priorities here dealing with chemical defense and the Department of Homeland Security that deal with some of the issues most in the news today—think of Syria and other problem spots around the world.
The key point, Mr. Chairman, is it has taken a lot of work to get to this point; we have a lot of amendment debate to come. But it is truly a credit to the staff, to the chairman, to the ranking member of this committee that something so important, so complex has come to the floor with such overwhelming bipartisan support. We will have differences, but I hope and trust that it will leave the floor in the same way.

Mr. SMITH of Washington. Mr. Chairman, I yield 2½ minutes to the gentlelady from California (Ms. LORETTA SANCHEZ), the ranking member on the Air and Land Subcommittee.

Ms. LORETTA SANCHEZ of California. I want to first begin by complimenting the chairman of the Tactical Air and Land Forces, Chairman MIKE TURNER. He has really been a delight to work with. His steady and thoughtful leadership has really allowed us to, I believe, make the mark in this bill. Under his leadership, the Tactical Air and Land Forces Subcommittee worked in a very bipartisan fashion. We developed a set of oversight legislation and funding recommendations that I think really looks at cutting waste, shaping programs, and making sure that our men and women in our military are ready to go.

First, the subcommittee’s portion of H.R. 1960 supports many of the high-priority recommendations and desires of the President’s budget. For example, H.R. 1960 provides $8.1 billion for the F-35 Joint Strike Fighter program, $5.2 billion for Army aviation upgrades, $3.2 billion for 21 EA-18Gs and F-18 upgrades, $1.4 billion for the V-22, and $1.3 billion for the U.S. Marine Corps ground equipment.

In addition, the Armed Services Committee increased funding in some parts of the bill that came from the President where we felt that there were inadequate funds. Specifically, the bill provides an additional $400 million for the National Guard and Reserve equipment account and adds funding for an additional 187 repaints by $200 million, and increases advanced procurement funding for 29 Navy F-18 aircraft by $75 million.

Beyond these funding increases, I want to point out that we made reductions—over $463 million worth of reductions—in this funding bill. It’s never easy to cut programs, but I think we did a very good job in making sure that as we move forward we will have the systems that we need.

Finally, H.R. 1960 includes important oversight legislation, especially for the F-35 Joint Strike Fighter, for the ground combat vehicle, for the individual carbine, the Stryker vehicle, and for body armor for our men and women of our military.

All of these provisions are good government, and I look forward to voting for this bill.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I would like to begin by thanking Chairman MCKEON for his leadership and Ranking Member SMITH for the extraordinary job that both of you gentlemen have done in bringing this bill together—bringing people together to make this happen. I also want to thank the ranking member of the Readiness Subcommittee, MADELEINE BORDALLO, thank you for your leadership and for your cooperation to make our effort on the Readiness Subcommittee as successful as it was.

Today, I rise in strong support of H.R. 1960, the fiscal year 2014 National Defense Authorization Act. While this bill will not fix all of the Nation’s readiness challenges, it does go far in addressing depleted force readiness levels and associated levels of assumed risk.

Specifically, the bill prohibits the Department from reprogramming, or initiating another round of base realignment and closure commission elements—a measure that’s critical, in my view, given the fiscal uncertainties we face as a Nation. This bill builds for military members by restoring vital readiness accounts, such as the Army and Air Force flying programs; increasing funding for facility sustainment; increasing funding for Army depot maintenance and rest; increasing funding for ship depot maintenance; and prohibiting the retirement of amphibious and cruisers the Navy proposed to retire 10 to 15 years early.

With successive rounds of budget cuts and the disastrous effects of sequestration, readiness rates remain at historic levels, and these levels are unacceptable low. Our warfighters are at risk, and we owe it to them to make sure that we put dollars back to make sure that the readiness of our Armed Forces does not suffer. We want to make sure that our men and women have what they need, making sure that they continue to have overwhelming superiority on the battlefield. That’s what this Nation has always done. It is our obligation to make sure that that continues.

While we have restored the Air Force and Army flying hours programs and bolstered facilities sustainment and depot maintenance, we will need to remain focused on readiness challenges in years to come. Those readiness challenges will continue. Especially as we retrograde from Afghanistan and reset our force, we cannot forget the need to maintain readiness.

As I close, Mr. Chairman, I want to thank the members of the subcommittee and the staff for their unyielding support for the men and women of our military. Our Nation faces many challenges, as this bill makes clear.

I want to remind this Chamber that we owe a debt of gratitude to those who selflessly serve our Nation—those who volunteer to put themselves in harm’s way. That’s what makes our Nation great. We owe them the highest amount of respect in getting this bill done in their best interest.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina, the ranking member on the Seapower Subcommittee, Mr. MCINTYRE.

Mr. MCINTYRE. Mr. Chairman, I rise in support of the National Defense Authorization bill, which the Armed Services Committee passed last week with overwhelming support from my colleagues, Chairman MCKEON and Ranking Member SMITH, for their hard work in making sure this bipartisan measure would be done the right way, and to help our men and women in uniform.

Specifically, I am pleased that this bill strengthens our national defense, supports North Carolina military bases with a $355 million investment in military construction, and makes key investments across the Nation to help make sure that our servicemen and women have the tools they need to do their job.

This measure authorizes $552 billion for national defense spending and $85.8 billion for overseas contingency operations.

It also supports current law, which mandates an automatic 1.8 percent annual increase in troop pay, and it rejects proposals to increase some TRICARE fees or establish new TRICARE fees, which many service members and veterans have long been concerned about.

I am also pleased that the committee made sexual assault prevention and prosecution a cornerstone of this legislation. And I am particularly pleased that this bill includes an amendment authored by my good friend and colleague across the aisle, Representative WALTER JONES, a fellow North Carolinian, to protect the religious freedom of military chaplains to be able to close a prayer according to the dictates of their conscience, faith, and training.

The committee also included an important provision that Representative JONES and I both worked together on to require periodic audits of Berry Amendment contracting compliance by the DOD inspector general. I can tell you, as the ranking member of the Seapower and Projection Forces Subcommittee, I would like to thank my colleague, Chairman RANDY FORBES, for his work on our section of this bill. The Seapower portion of the bill carefully cuts waste in some programs while also improving Congress’ ability to oversee the DOD. It includes provisions for the Gerald Ford class aircraft carrier, multiyear procurement language for E-2D and C-130J aircraft, and several other provisions that support our military and our national defense objectives of important programs, including two of the Navy’s largest unmanned aircraft programs.
It also gives the DOD permission to begin retirement of some old KC-135 refueling aircraft that have been in storage for many years. With the new tanker program—the KC-46A—coming on line, it is “on cost” and “on schedule,” we are finally going to get our high-speed tanker program.

The Seapower portion has $14.3 billion for shipbuilding that would authorize a total of eight new ships. It authorizes $934 million of ship construction funding to ensure that the Virginia-class submarine DDG–1000 class destroyer, DDG–51 class destroyer, and joint high-speed vessel programs stay on schedule.

With regard to the aircraft programs, this bill fully funds the administration’s request for all major aircraft programs in our jurisdiction, including the AB–106 bomber program.

The Seapower portion of this, being on budget and on time, is something I know that we all can support. It is clear this entire bill is one that has strong bipartisan support, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Military Personnel, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina, Mr. Chairman, the military personnel provisions of H.R. 1960 are the product of an open, bipartisan process.

H.R. 1960 provides our warfighters, veterans, and military families the care and support they need, deserve, and have earned. Specifically, this year’s proposal reforms the way the Department of Defense must address sexual assault in the Uniform Code of Military Justice and provides significant support, especially in the form of dedicated legal assistance and whistleblower protection to victims of this terrible crime.

In addition, the mark would support the services’ requested end strength while ensuring the Army and the Marine Corps adhere to the limitation on reductions mandated in the National Defense Authorization Act for Fiscal Year 2013.

It reaffirms the committee’s commitment to our services by requiring minimum notification before deployment or cancellation of deployment and provides authority to improve the personnel readiness of the National Guard.

It also amends the Secretary of Defense to review and make improvements to the Integrated Disability Evaluation System for members of the Reserve components.

Further, it authorizes transitional compensation and other benefits for dependents of a servicemember who is separated from the Armed Forces because of a court-martial and forfeits all pay and benefits.

This bill does not include the request for military retirees to pay more for health care.

In conclusion, I want to thank Mrs. DAVIS and her staff for their contributions and support in this process. I particularly appreciate the active, informed, and dedicated subcommittee members, supported by the professional staff. Their recommendations and priorities are clearly reflected in the Defense Authorization Act for Fiscal Year 2014. I urge all my colleagues to support this bill.

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Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentlelady from California (Mrs. DAVIS), the ranking member of the Military Personnel Subcommittee.

Mrs. DAVIS of California. I want to thank my colleagues on the committee for working together to bring forward a good bill. My thanks, of course, to Chairman Wilson and to the committee staff for working in a bipartisan manner.

The bill contains a multitude of provisions to address the issue of sexual assault; and while it may seem that this year Congress focused on sexual assault in the military, the reality is that this committee and its members have been working hard to address this issue, which demands our attention, for the last several years. This committee has, once again, put forward a number of proposals; but as much as we would wish that legislation alone will stop someone from committing a sexual act, we know that is not the case. It will also not stop the fear of retaliation, which prevents a number of service-members from reporting a sexual assault.

This problem and how we deal with it has to start with those who wear the uniform, but it is important that we provide them the tools they need to effectively change the system and, ultimately, the culture by holding perpetrators accountable and commanders and prosecutors to the highest standard. Whether through bystander intervention, command climates that do not tolerate or condone sexual harassment and innuendo, and appropriate prosecutions and command actions, our service-members are ultimately the change agents who need to step forward.

This bill also focuses on the dependents and families who have sacrificed so much as well and who have been the backbone of support for our service-members through over a decade of war. Military families also bear the scars of war, and many need help as well. I am pleased that the bill includes a number of provisions to support families, including a provision that seeks to track the number of dependents who have taken their own lives by suicide. While the number of suicides for Active Duty members has increased, we have heard anecdotal evidence that the same holds true for dependents, and the bill seeks to determine if the Services can begin to track these individuals as well so that we can determine the best course of action to also address this critical problem.

Included are several provisions to address issues within the Reserve components, including a requirement that members of the Reserve be provided at least 120 days’ notification of their deployments. We have been in conflict for more than a decade, and it’s time that the Services ensure that, when individuals and units are called to deploy or if their orders are canceled, they have adequate time to prepare.

I would like to mention, though, Mr. Chairman, that there is one provision which, I think, could adversely impact the morale, well-being, good order, and discipline of the force. It is a provision that extends protections to the actions and speech of service-members. In essence, this provision protects an individual who engages in hateful or discriminatory speech or action, and a commander may take action only when actual harm occurs.

Mr. SMITH of Washington. I yield the gentlelady an additional 30 seconds.

Mrs. DAVIS of California. So if this language becomes law, a service-member could engage in such speech and action for as long as and as much as desired, and a commander could only act against the individual when, say, the first shot was taken. I don’t believe that was the author’s intent, but I do believe that the language as currently written could be made to be understood in that fashion.

While I have some concerns with the provisions in the bill, the overall bill provides many benefits to our troops and their families, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Tactical Air and Land Forces, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I am here today to speak in favor of the National Defense Authorization Act, and I am very privileged to serve as the chairman of the Subcommittee on Tactical Air and Land Forces Subcommittee.

I want to begin by thanking Chairman MCKEON and Ranking Member SMITH for their support for the provisions in the bill that go to address the important issue of sexual assault in the military.

Ms. TSONGAS and I were tasked by the ranking member and the chairman to come up with a bipartisan solution. We worked directly with the staffs of both the ranking member and the chair, and we believe that we have put provisions in this bill with the full bipartisan support of the committee, which will end the re-victimization of the victim. We have a problem of sexual assault in the military, and that
problem is that the perpetrators feel safe and that the victims feel insecure and re-victimized. This bill includes provisions of the Turner-Tsongas BE SAFE Act. It also includes provisions from Representatives HECK, WALORSKI, NOE, CASTRO, SANCHEZ, and DUCKWORTH.

**Mr. SMITH of Washington.** I yield 3 minutes to the gentleman from Tennessee (Mr. COOPER), who is the ranking member on the Strategic Forces Subcommittee.

Mr. COOPER. I thank my friend and colleague from Washington State for yielding.

Mr. Chairman, I rise in support of the work of the Strategic Forces Subcommittee. I would particularly like to thank Chairman ROGERS for his friendship and bipartisan leadership, as well as to thank all of the members of the subcommittee.

I support the many provisions in the bill that strengthen our national security.

The bill, for example, maintains a safe, secure and reliable nuclear arsenal, by improving the effective oversight of the National Nuclear Security Administration's cost assessments, efforts and planning.

The bill supports nuclear non-proliferation efforts, including an increase of $23 million to reduce the risk of nuclear terrorism and the spread of nuclear weapons.

The bill increases funding for regional missile defense assets to protect our deployed forces and allies, including important cooperation with Israel against short- and medium-range missile threats.

The bill authorizes defense environmental cleanup activities; and, finally, the bill includes investments in military and space assets.

However, I also should report that I do have reservations about several provisions in the bill that, in my opinion, undermine national security and waste taxpayer dollars.

For example, the bill blocks prudent nuclear weapons reductions, including new START reductions, which would strengthen strategic stability.

The bill increases funding for nuclear weapons by $200 million over the President's already generous budget request.

The bill accelerates the funding of the Ground-Based Midcourse Defense program spending by nearly $250 million, and it jumps to conclusions about east coast missile defense sites against the best military advice of our generals.

Finally, the bill changes NNSA health and safety oversight, undermine the independent oversight of defense nuclear sites related to worker and public protection as well as increasing the Secretary of Energy's authority to fire employees without due process.

I look forward, Mr. Chairman, to debating the merits of these and other provisions of the bill.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, as chairman of the Strategic Forces Subcommittee, I rise in support of H.R. 1960, the National Defense Authorization Act for fiscal year 2014.

It's important to understand what this bill does and why it deserves our support. For example:

It streamlines the acquisition of 14 ground-based interceptors announced by the Secretary of Defense on March 15, saving the taxpayer hundreds of millions of dollars;

It ensures that strategic competitors do not gain inadvertent access to vital systems or information because of reliance on commercial vendors;

It prohibits the transfer of some missile defense technology to Russia and strengthens congressional oversight of administration efforts with regards to U.S.-Russia missile defense cooperation generally.

It invests in proven and vital systems like the Iron Dome and short-range rocket defense systems;

It provides significant resources above the President's request for other Israeli cooperative missile defense programs like Arrow 2, Arrow 3, and the David's Sling weapons system;

It forces efficiencies and prioritization of critical nuclear modernization programs in the budget of the National Nuclear Security Administration; and

It implements several initiatives to improve security at the National Nuclear Security Administration and NSA, and streamlines the process to terminate DOE employees negligent in their duties at category 1 nuclear material sites like the Y-12 site.

Mr. Chairman, I want to thank the full committee chairman, Mr. ROGERS, for his leadership this year. Without him, this process would not have worked nearly as well. And I also want to thank my friend and colleague, the ranking member from Tennessee (Mr. COOPER), who has been a great partner in this process.

I urge all of my colleagues to support the bill.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Guam (Ms. BORDALLO), who is the ranking member on the Readiness Subcommittee.

Ms. BORDALLO. Mr. Chairman, I want to say at the onset that I've enjoyed very much working in a bipartisan manner with the chairman of the Readiness Subcommittee, Mr. ROB WITTMAN, also the chair of the full committee, Mr. MCKEON, and the ranking member of the full committee, Mr. ADAM SMITH. I want to thank also the committee staff and the full committee staff for the many long hours that they've put into getting this bill ready.

I rise in strong support of H.R. 1690. This bill works to ensure that our men and women in uniform are well trained and well equipped to defend our Nation and its allies.

Although this bill represents the hard work and efforts of both the majority and the minority, I want to highlight the need to resolve sequestration. I hope that this Congress undertakes serious efforts to finally fix sequestration with a comprehensive solution. We can avoid this problem.
I would like to highlight a few important readiness issues.

The bill provides a 1-year extension of authority for certain pay and benefits to civilian personnel who are forward deployed, performing critical operations overseas and in combat zones. We also agree with GAO’s look into how the furloughs of civilian employees are being implemented by the Department of Defense to ensure they are implemented in a fair and equitable manner and to understand the impact on military readiness.

The bill addresses sustainment issues for two important procurement programs: the F–35 Joint Strike Fighter and the LCS. We must understand the costs associated with the sustainment of these programs over the long term to make informed decisions about the future of these programs. The bill also contains a provision that will close loopholes that allow MSC and Navy to repair an increasing number of ships overseas.

I am especially pleased to note that this bill puts real resources into the rebalance of our military toward the Asia-Pacific region. The bill takes a commonsense approach and rolls back restrictions that hamper the obligation and the expenditure of Government of Japan funds, which is positive for our bilateral relationship with the Government of Japan. The bill continues the House’s consistent position of support of the realignment of forces in that region.

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

Mr. SMITH of Washington. I yield the gentlelady an additional 1 minute.

Ms. BORDALLO. We also provide funding for the LCS, continued development of the next generation long-range strike bomber, and robust procurement of Virginia class submarines, which are all assets that are important to our rebalance to the Asia-Pacific region.

However, I am concerned about section 233 in the underlying bill. I appreciate the intent of this provision. We do need to ensure the defense of our allies in East Asia. Yet this provision unduly restricts our combatant commanders from providing support to emerging threats or supporting other allies in other areas. The provision is unnecessary, and it negatively impacts our military’s readiness. I hope that the Armed Services Committee will make my amendment in order to improve the provision.

Again, I thank my colleagues, and I urge all my colleagues to support this vitally important bill in the House.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Seapower and Projection Forces, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2014.

With Chairman McKEON’s and Ranking Member SMITH’s leadership, I believe that this bill provides the right authorities and sufficient resources to demonstrate our resounding and unequivocal support for the men and women who place their service to country above all things. I think we could all learn from their service and devotion.

As to the Seapower and Projection Forces Subcommittee mark, I continue to be concerned about both the size and composition of our Navy’s fleet. In the 30-year shipbuilding plan, the administration has indicated a requirement of 306 ships. The 2010 QDR independent panel indicated a requirement of 346 ships. Unfortunately, the Navy has proposed a reduction of the fleet to 270 ships in just the next year. Various outside experts have indicated that if we continue to support our current level of shipbuilding investments, the fleet could be reduced further to just 240 ships. This path is simply unacceptable.

Given the budget cuts of the past 4 years, which I opposed, I think this bill does a good job of reversing some of these negative trends and takes a step in the right direction by authorizing funding that allows us to retain and modernize our current fleet to the end of their service life.

I remain very pleased with the direction of our projection forces. This bill provides strategic Air Force investments in terms of both the KC–46A tanker program and the Long-Range Strike Bomber. These are critical capabilities that need to be nurtured carefully.

This mark also includes important cost-saving initiatives that provide the Navy and Air Force with the ability to procure E–2D Hawkeye and C–130H Super Hercules aircraft using multiyear procurement authority. These legislative provisions alone are projected to save taxpayers over $1 billion.

As I look to the future, I believe that it’s essential to ensure strategy drives our debate.

Mr. Chairman, we’ve gone a long ways to reverse some of these negative trends. I think this bill does a good job of supporting our forces, and I would urge my colleagues to support this bill. I thank my colleague and friend, MIKE McIntyre, my ranking member, and our hardworking staff for their efforts in producing this bill.

Mr. SMITH of Washington. Mr. Chairman, could you please let us know how much time is remaining?

The Acting CHAIR. The gentleman from Washington has 12½ minutes remaining, and the gentleman from California has 11 minutes remaining.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentlelady from Massachusetts (Ms. TsONGAS), who is the ranking member on the Oversight Investigation Committee and also has done fabulous work on the sexual assault legislation contained in this bill.

Ms. TSONGAS. Mr. Chairman, this year’s NDAA takes unprecedented steps to address a disturbing prevalence of sexual assault in the military, and I want to thank Chairman McKEON, Ranking Member SMITH, Congressman WILSON, and Congresswoman DAVIS for including these provisions in the bill. I’d also like to thank my colleagues on the Military Sexual Assault Prevention Caucus, Congressman MIKE TURNER.

In recent months, we have seen reports rise, military commanders and supervisors abuse their authority, and those charged for sexual offenses are prohibited from receiving privileged communications. It makes sure that those who are convicted of sexual assault will, at a minimum, be dishonorably discharged or dismissed. And this bill continues our push to provide victims of sexual assault with legal counsel, which is a critical step in the process of creating an environment that encourages victims to report these crimes and in bringing those responsible to justice.

These, and others, are significant reforms that offer considerable momentum toward changing the deeply rooted and flawed culture that has allowed these crimes to pervade our Armed Forces. We are making progress, but there is a long way to go.

Last year’s bill established a nine-member independent review panel to evaluate the systems used to investigate, prosecute, and adjudicate sexual assault crimes under the Uniform Code of Military Justice. The members of this panel are just getting to work now, and their input, 1 year from now, will be invaluable in making sure that Congress continues its work to make the best reforms possible and end the scourge of sexual assault.

I look forward to continuing to work with many Members in both Chambers, the victims who have bravely come forward, and the committed military leaders who are all meaningfully contributing to this debate to ensure that sexual assault can never again be disregarded or ignored.

I also want to take a moment to highlight the important work that this bill advances to develop superior, lightweight body armor for our servicemembers. While the ceramic plates which provide weight body armor for our servicemen and women have always provided the tactical vests have always provided the requisite level of protection in Iraq and Afghanistan, they are unfortunately
still too heavy and are causing an epidemic of musculoskeletal injuries among servicemembers, which the VA will be paying for over decades to come.

Last year, the NDAA contained language requiring the continued development of lightweight armor systems for female servicemembers, as the legacy systems fit poorly.

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

Mr. SMITH of Washington. I yield an additional 30 seconds to the gentleman.

Ms. TSONGAS. Lightweight body armor that hadn’t been designed for female members put female soldiers at greater risk in the field. This year’s bill requires the Secretary of Defense to submit a comprehensive R&D strategy for lightweight body armor to Congress. I believe this is an important step, and I thank Air and Land Subcommittee Chair TURNER and Ranking Member SANDEO for their work on this matter.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Alabama (Mrs. ROBY), my friend and colleague, the chairman of the Subcommittee on Oversight and Investigations.

Mrs. ROBY. Mr. Chairman, I am proud to rise in support of H.R. 160, and I would like to thank my chairman and the ranking member and all of the subcommittee chairmen and ranking members for all of the hard work that has gone into this bill. This is a strong, bipartisan bill that properly funds our military. It provides for our men and women in uniform and their families, while ensuring that our warfighters have the necessary equipment and provisions to continue to ensure our Nation’s security.

I am honored to chair the Oversight and Investigations Subcommittee of the House Armed Services Committee. I am pleased to have as my colleague and ranking member Ms. TSONGAS of Massachusetts.

The world has changed tremendously in the past decade. It remains a dangerous place, but in new and challenging ways. For this reason, H.R. 160 takes into account the threats this Nation faces today and the forces that we must maintain in response. The members of the House Armed Services Committee are united in the belief that we must restore the days of our “Shy” Meyer 33 years ago.

Indeed, H.R. 160 addresses part of our military’s current readiness crisis. It restores funding so planes can take flight, ships can sail, and our military can train at the pace and scope that’s necessary. This bill responsibly responds to the global conditions, but does so within this Nation’s fiscal constraints.

H.R. 160 also ensures that, as Afghan forces assume an incredibly large role in Afghanistan’s defense, preserving the safety and security of Afghan women will be among our priorities. It includes important provisions so that the Department of Defense understands the lessons of Benghazi and organizes its forces to preclude or better respond to a similar attack. This year’s National Defense Authorization Act maintains that the detention facility in Guantánamo is funded, staffed, and operated, and worked properly; and it also provides the necessary guidance relating to Iran, North Korea, and Syria.

I’m proud to represent two distinguished military installations, Maxwell Air Force Base and Fort Rucker, and I’m mindful of the important role these and all other installations around the world play in ensuring the defense of this great Nation.

In light of the strong provisions included in H.R. 160 and the collaborative, bipartisan sentiments upon which it rests, I join my colleagues in urging support for the National Defense Authorization Act.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding, and I would like to thank and congratulate Chairman McKEON and their outstanding staffs for first-rate work and leadership on this issue.

This bill is an example of a properly resourced and properly thought-out plan that would serve the interests of those who serve us. As we meet tonight, there are America’s best sons and daughters stationed around the world in dangerous and often lonely places who are defending our freedom and doing us proud every single day.

I do believe this budget plan is one that gives them the tools and the support that they need to do their jobs. This bill has many good things to recommend it.

But I wish it were actually going to take effect, because the fact of the matter is unless this Congress acts, this plan will never take effect. Instead, it will be about $50 billion shy of the resources that we’re going to debate and vote on this week.

Mr. Chairman, I think the whole House would be well-served by following the example by which this legislation has been drafted. Mr. Chairman McKEON and Mr. SMITH, there was open, transparent, substantive dialogue throughout this process. Members on both sides of the aisle met for—my goodness, was it 16 hours, 18 hours, it seemed like longer, and any idea that anybody had was brought to the body, was vigorously debated, and either approved or disapproved. There was an open process that led to a good piece of legislation.

This is exactly the opposite of what we’ve done on this sequestration problem. There have been backroom meetings. There have been high-level discussions, and absolutely nothing has happened. This, frankly, is a bipartisan responsibility of a national problem.

I think that what is incumbent upon us doing here is the budget that has passed this Chamber and the budget that has passed the other body should be brought to a conference, and our body should negotiate, and I’m sure the other body will select its, and they will thrash out this process and, I hope, come to a resolution of this mindless, harmful sequestration process.

About a third of our Navy and Air Force planes aren’t flying training missions because of sequestration. There’s intelligence training for intelligence units throughout the services not being done because of sequestration. Important research and development, deferred maintenance on our capital stock, isn’t being done because of this problem.

We have spent hours in this Chamber accusing each other of whose fault it is that we are in this box. I think the American people are tired of hearing whose fault it is and are ready to see this problem resolved.

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

Mr. SMITH of Washington. I yield an additional 30 seconds to the gentleman.

Mr. ANDREWS. I thank my friend.

The way to solve this problem is to emulate the example Chairman McKEON and Mr. SMITH have given us: have a fair, transparent, open process; debate the issues; make some difficult choices. There are other difficult choices yet to make because of the amendments that are forthcoming.

When the Members are given the chance to act in regular order, we can solve problems. Let’s have that full and open debate and sequestration; and some day the plan that we’re going to pass this week will actually take effect.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentlelady from South Dakota (Mrs. NOEM), my friend and colleague and a member of the Armed Services Committee.

Mrs. NOEM. I thank the chairman for leading and for all of his hard work on this very important bill that we have on the floor today.

Mr. Chairman, the number is staggering: 26,000. That’s how many military members were sexually assaulted last year alone; and thousands more were unwilling to come forward. Since 2010, there has been a 35 percent increase in military sexual assault.

This is a disturbing trend that needs to be stopped, and I would like to thank the chairman for working with me and for many other members on the committee to do just exactly that.

There’s no doubt that our military is the strongest and most capable force in the world. The men and women who voluntarily step up to serve and defend this country know full well that they will be called, potentially, to serve in times of danger. But they
should never, under any circumstances, feel threatened in one another's presence. For many, the military is an extension of family, and nothing hurts more than being hurt or let down by one of your own.

Last week, the House Armed Services Committee passed the 2014 National Defense Authorization Act by an overwhelming vote of 59-2. I was proud to support the bill in committee. It takes important steps to address the rise of sexual assault in our military, including several provisions that I authored. These provisions will improve military sexual assault investigations. They will also standardize sexual assault prevention training programs, and require the Pentagon to increase scrutiny of those selected that will fill sexual assault prevention positions in the military, necessary reforms that need to get done.

For years, lawmakers, military officials, and civilians, alike, have discussed the need for an end to sexual assault. I see a real opportunity with this bill to put those words into action, to take meaningful steps to address this growing problem.

It's time to say, once and for all, that sexual assault ends now. In order to do that, we need to ensure that there are adequate protections in place that encourage the reporting of sexual assaults without fear of reprisal or further abuse from peers. We must provide support, and insist on swift punishment for those responsible.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of the National Defense Authorization Act of 2014 and, again, I want to congratulate the chairman and the ranking member and the committee staff for a process that was really a breath of fresh air into this Congress—a long meeting, lots of hot debates and passionate debates, many opportunities, frankly, for the polarization that seems to dominate this Congress to break down the process.

But at the end of the day, we had a strong vote, 59-2, obviously very bipartisan, and we came together as a committee to make sure that core functions of the government, our national defense are, in fact, going to be advanced. In particular, I want to focus for a moment on the bipartisan effort made in the Seapower and Projection Force Subcommittee to support our Nation's shipbuilding priorities.

This bill supports the President's budget request for continued projection of two Virginia-class submarines in 2014, building on our efforts last year to restore a boat that had been removed from the shipbuilding plan. This measure also continues investment in critical undersea capabilities, such as the replacement of our SSBN fleet and the Virginia Payload Module.

In particular, and also, the bill supports construction of eight battle force ships, four littoral combat ships, a DDG 51 destroyer, as well as continued work on a new aircraft carrier and vital seapower programs. To put that in context, the build rate in 2006 was only four battle force ships; in 2008, it was only three battle force ships.

As we have heard firsthand in our subcommittee, a stable, predictable, and robust shipbuilding plan is the best way to ensure that our taxpayers are getting cost-effective ships with the build cost and budget that is required to produce ships ahead of schedule and below price. I know this is an issue that our panel will continue to look at closely as we move forward.

In 2011, in Ln. Ms. Werner, I saw firsthand the value of a strong Naval force, where Operation Odyssey Dawn used seapower to wipe out the air defense system of Muammar Qadhafi. Again, using surface ships and submarines firing Tomahawk missiles, in a matter of hours we had advanced the cause for our NATO allies to finish up the work.

So this is, again, critical to the refocus of our naval and strategic plan in Asia-Pacific and the Middle East.

Again, we need a firm shipbuilding plan and naval force structure, which this bill will provide strong resources, again, far greater than in past years.

So, again, I want to close by saluting the chairman's tremendous work and our staff, in terms of making sure that both sides of the aisle came together to protect core functions of our government, which, again, the Seapower Subcommittee, in particular, will advance.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Indiana (Mrs. WALORSKI), my friend and colleague, and a member of the Armed Services Committee.

Mrs. WALORSKI. Mr. Chairman, I want to thank the chairman of the House Armed Services Committee for yielding me time. I also want to thank him for his tremendous leadership, and Mr. SMITH, as well, in crafting a bill that brings solutions to combat sexual violence in the U.S. military.

This bill includes a provision that I authored with Congresswoman LORETTA SANCHEZ to encourage victims to step out of the darkness. The provision specifically identifies reports of sexual assault as a form of communication under whistleblower protections. It ensures that victims cannot face reprisal for reporting acts of sexual assault.

Sexual violence has reached epidemic proportions in our military, and the provisions in the 2013 Defense Authorization Act that are standing, which this legislation makes permanent, will be an essential first step in our work to address the rise of sexual assault in our military.

Mr. MCKEON. Might I inquire how much time we have remaining? The Acting CHAIR. The gentleman has 4½ minutes.
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Mr. MCKEON. Mr. Chairman, I yield myself the balance of the time.

At this time, I'd like to thank Mr. SMITH. This is our third bill that we've worked on in these positions, and I think we've become better friends over the years. We understand each other. We know that, and we, at times, will have disagreements.

I have to confess, I've been married now 50 years, and my wife and I have had a couple of disagreements. I was always wrong, and she's stood by me, and we've been a great relationship.

And we have a great relationship working in this committee. Likewise, our staff. I think they have done yeoman's work to get us to this point. And our subcommittee chairmen and ranking members that we've heard speak here today.

And I have to agree with Mr. SMITH on the sequestration.

We, I think, all understand that this is bad for our Nation. We voted on it, those of us who did, knowing that, understanding that it would never happen. Well, reality sets in, and it happened. People have come to me and say, gee, sequestration isn't that bad. They really haven't seen the full impact to this point. We're just starting into the first year of sequestration.

And I was meeting with General Breedlove today, our new European commander. And he's just a month into his new job, and he's starting to feel the sequestration.

I think what we need to understand is—and I've talked to each of our military leaders as they came in and secretaries as they came before our committee for the hearings that led up to this bill—that if something doesn't happen between now and September 30, all of this work, everything that we're working on, Mr. SMITH has pointed out, going away. We are cutting $497 billion out of defense over the next 10 years. That's in the bill. We also, through sequestration, cut another $500 billion out of defense over the next 10 years. That is not reflected in this bill.

Our Budget Committee in the House passed a budget, and they kept the top line number from the Budget Control Act of $967 billion, and they gave us additional money for defense, which we've used in this bill. But if we're not able to resolve the differences between us and the Senate on September 30, it will be like Cinderella and that magic shoe. Everything goes away. The carriage becomes a cantaloupe or a pumpkin, and it's bad times.

We've got to deal with that. We've got to deal with raising the debt limit, and there are a lot of very serious things on the table. So I would encourage all of our colleagues to join in the debate.

We had a great debate in committee. We had differences, and we talked about them. We didn't get personal, and we didn't get rancorous. We came out with a vote of 59-2 because everybody on this committee understands how important our work is, how important our national defense is, and how important the men and the women and their families who serve are, and we stand behind them. Now we do need to make sure that we have the resources that they need.

With that, Mr. Chairman, I would encourage all of us to support this bill tomorrow. Join in the process. Make it a better bill if we can.

I yield back the balance of my time. The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1840) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, had come to no resolution thereon.

AMERICA'S FUTURE

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

Mr. COLLINS of Georgia. Mr. Speaker, my friends on the other side of the aisle like to refer to the House majorly as the Party of No. And do you know what? I'm okay with that. We've said no to unending and out-of-control spending and passed a budget that balances in 10 years. We said no to the largest tax increase in history and repealed ObamaCare. We said no to fraud and political games and demanded answers from the Internal Revenue Service.

We've said no to the tax more, spend more, save less, Big Government, job killing machine that is crushing the American spirit and our economic growth.

We've replaced government growth and regulations with reform. We have restored transparency and trust. We're giving our Nation a reason to believe that one day our children won't be looking for a job, they will be creating jobs.

America was founded by patriots who said no to the tyrannical government that was crushing their freedom and economic future. And America's future rests in the hands of those who will carry on the torch of freedom to protect the future of their children and grandchildren. America's future rests in the hands of those who are sometimes willing to say no.

SAFE CLIMATE CAUCUS

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

Mr. TONKO. Mr. Speaker, State governments, institutions, businesses and individuals are organizing to meet the challenges and opportunities of climate change.

For example, experts from New York State's land-grant college, Cornell University, have partnered with others at McGill University in Montreal and the private sector to define the needs of the region's agricultural sector in a warmer climate. Farmers will need new plant varieties. The longer growing season will open possibilities for growing new crops. The timing of planting and fertilizing will change.

Pest management will, indeed, be different. Climate change can be approached with a positive perspective for agriculture, but we now plan now to take advantage of new opportunities and prepare for the transition.

So where are we, as a body, on this issue? We should be talking climate change and taking it into account as we approach a new 5-yearators in the House majorly as the Party of No. And do you know what? I'm okay with that. We've said no to unending and out-of-control spending and passed a budget that balances in 10 years. We said no to the largest tax increase in history and repealed ObamaCare. We said no to fraud and political games and demanded answers from the Internal Revenue Service.

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PROGRESSIVE CAUCUS

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under the Speaker's announced policy of January 3, 2013, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. LEE of California. Mr. Speaker, first of all, let me just say I am truly honored tonight to speak on behalf of the Congressional Progressive Caucus. And I just want to thank our cochair, Congressman KEITH ELLISON and Congressman RAÚL GRIJALVA, for their tremendous leadership and for giving us the opportunity to really speak to the American people once a week about what has truly taken place here in Washington, D.C.

As the cochair of the Out-of-Poverty Caucus, which we founded actually during the Bush administration, and now chair of the new Democratic Whip Task Force on Poverty and Opportunity, let me just highlight how truly important it is to continue to support programs that lift Americans out of poverty.

Even as our economy slowly recovers, income inequality continues to grow. Unfortunately, too many people who are working are poor, and they're living on the edge. I want to take a moment now and just yield a few minutes to my colleague from Minnesota, the cochair of
the Progressive Caucus, and I will return and complete what I have to say, but I know he has to leave, and I would like for him to be able to engage in this discussion at this point.

Mr. ELLISON. Mr. Speaker, I just want to thank the gentlelady from California, BARBARA LEE, who has been leading this country for years on the question of economic justice, civil rights and human rights. This issue of the Supplemental Nutrition Assistance Program, also known as food stamps, is critical. The smart, smart Farm Bill that her constituents can count on being included in this program starts with a $20 billion cut in the food stamp program, and I think it’s just important that Americans know just a few basic things about the food stamp program. One is that many people on food stamps have jobs and work every day. These folks work hard. They work in jobs that pay so little that they don’t have enough money to make it without some assistance. But these are the people who probably are making sure that the buildings that go into are clean and sanitary. These are the folks who prepare fast-food. These people are the folks who make sure that it’s safe, because some of the security guards making very low wages.

In fact, in 2010, 41 percent of SNAP recipients lived in a household with earnings. That means 41 percent were earning some income, but they still didn’t earn enough money to make a go of it. So this idea that food stamps promote dependency is wrong.

In fact, what food stamps do is provide enough food for families to make it, nearly half of whom are working a job.

It’s also important to bear in mind, too, that 76 percent of SNAP households include a child, a senior citizen, or a disabled person, and about 45 percent of SNAP recipients are in fact children. The reality is that if you have a problem with SNAP, then, we’re talking about children, seniors and disabled people, three-quarters of whom are those households that receive SNAP.

Now, it is also true that there are some single adults who get SNAP. I had a chance to meet one on Monday. This young fellow is 19 years old, and he had been looking for work, going from place to place. He had a job in a few days and actually got so dizzy that he fell. His friends picked him up, got him some supplemental food quickly, and then he somehow got into the SNAP program. But when I looked in the eyes of this young fellow, I didn’t see somebody who didn’t want to work. I saw a hardworking Minnesotan who wanted to make a contribution, but who had tough times and was down on his luck for a little while. He wanted to work, he is still looking for a job, but the food stamps got him in a position where he could actually work.

I just want to share with you, Mr. Speaker and Congresswoman LEE, on Monday, my good friend BETTY McCOL-
richest State in the Nation because we have Fairfield County, and some parts of the State are known as the Gold Coast, with very affluent people. But we have such pockets of hunger that, in my district, one out of seven is food insecure.

I’m tired of the commentary on food insecurity. What that means—and my colleague knows this, we’ve talked about this—it is about being hungry. These folks, one out of seven doesn’t know where their next meal is coming from.

In Mississippi, 24.5 percent suffer food hardship, nearly one in four people. West Virginia and Kentucky, that drops to just over 22 percent, one in five. In Ohio, nearly 20 percent. California, just over 19 percent.

The estimates of Americans at risk of going hungry here in this land of plenty are appalling. And at times such as this, our key Federal food security programs become all the more important.

This is especially true of food stamps, our country’s most important effort to deal with hunger here at home and to ensure that American families can put food on the table for their kids. Right now, food stamps are helping over 47 million Americans—nearly half of them children—to meet their basic food needs. They make a tremendous difference for the health and the well-being of families, as our colleague, Mr. ELLISON, pointed out with his examples.

Food stamps have been proven to improve low-income children’s health, their development, reduced food insecurity, and have a continuing positive influence into adulthood.

You know, I listen to people that talk about waste, fraud, abuse. Food stamps always has one of the lowest error rates of any government program.

Go to the IRS, go to Defense, go to a crop insurance program, and you will find waste, fraud, and abuse.

Food stamps are good for the economy. Economists agree that food stamps have a powerful, positive impact on economic growth.

Last month, Bloomberg ran an article called, “Best Stimulus Package May Be Food Stamps,” because they get resources into the hands of families who are going to spend those dollars right away.

Most importantly, food stamps are the right thing to do. Ninety-nine percent of food stamp recipients have income below the poverty line. It is the job of good government to help vulnerable families get back on their feet. In the words of Harry Truman:

Nothing is more important in our national life than the welfare of our children, and programming comes first in attaining this welfare.

This is something that everyone in Washington used to agree on. In the past, there’s been a strong tradition of bipartisanship on hunger and nutrition. From the left, leaders like George McGovern, and from the right, leaders like Bob Dole, came together. They made a difference for families who were in need.

Over the past 30 years, policies aimed at debt and deficit reduction to keep programs that help the most vulnerable among us to get by have always been protected on a bipartisan basis from deep cuts. But the farm bill coming out of the House right now seeks to destroy that tradition. In the name of deficit reduction, the bill slashes food stamps by more than $20 billion, hurting millions of Americans in our economy.

By eliminating categorical eligibility, their bill would force up to 2 million low-income Americans to go hungry. Their bill kicks 210,000 low-income children from the free school lunch program. It changes the relationship between SNAP and LIHEAP to take hundreds of more low-income Americans—mostly seniors and working families with kids.

Let’s be clear: this has nothing to do with deficit reduction and everything to do with the ideological priorities of a House majority. Even before the Speaker took the gavel, this majority has tried to slash through the most crucial threads of our American social safety net.

Their Ryan budget cut over $130 billion from food stamps, mostly by converting it to an inadequate block grant. Last year, when the House Ag Committee had to identify $33 billion in 10-year savings from the programs of their jurisdiction, they singled out food stamps for all of the cuts—not direct payments, not crop insurance—just food stamps for the entire cut.

This is terrible policy. It will cause hunger and more health problems. These cuts are lopsided and are a derecognition of our responsibility to the American people, and of our moral responsibility.

Let me quote the U.S. Conference of Catholic Bishops. They said last year:

We must form a “circle of protection” around programs that serve the poor and the vulnerable in our Nation and throughout the world.

And as Catholic leaders wrote last month:

Congress should support access to adequate and nutritious food for those in need and oppose attempts to weaken or restructure these programs that would result in reduced benefits to hungry people.

The House farm bill does the opposite. It jeopardizes the growth and development of children, it jeopardizes seniors, and it puts at risk those disabled Americans.

In my district yesterday, I went to the Cornerstone Christian Church in Milford, Connecticut, and the representatives there were two women who volunteered at their food bank program. Reverend Stackhouse of the Church of the Redeemer, Lucy Nolan of End Hunger Connecticut, Nancy Carrington, who heads up the Connecticut Food Bank, and a young woman whose name was Penny.

She had worked all of her adult life. She lost her job. She thought it was going to be easy to get another job and able to make payments and all of the other financial obligations that she had. In the midst of this financial crisis, she and her husband separated, putting the burden of the family on her shoulders. She didn’t know where to turn. She didn’t know where she was going to put food on the table.

She went to the Connecticut food bank. They helped her to be able to access the food stamp program. That’s where she is now—still looking for a job, still wanting to work. Her pride enables her to continue to look for that job. The courage of speaking before this group yesterday and the press, and to tell that story, took great courage—like so many others are telling that story, my colleague.

We do have an obligation. These are real statistics that we are talking about. These are flesh and blood Americans who are looking for a bridge. They don’t want to be there forever. They want to be able to take care of themselves and their families.

It’s a genius of the food stamp program to say in times of need: we’re there and, yes, we rise in the participation. When it gets better economically, those numbers drop.

We have an obligation to those people—not to the statistics, but to those individuals who look to the Federal Government that says in a time of challenge: give me a little help, that’s all I’m asking. I don’t want everything. I know you don’t have all those resources. Help me in this hour of need.

That’s what where our moral responsibility is.

Again, I say thank you to my colleagues for participating and for your steadfastness in dealing with this issue.

Ms. LEE of California. Let me thank the gentlelady for that very powerful—in many ways, very sad—statement. We shouldn’t have to listen to you say this in the wealthiest and most powerful country in the world. These stories should not have to be told here, Congresswoman DELAURO.

Thank you also for reminding us—and I know that you are a person of tremendous faith, and there are many in this body who are believers who have a faith and who care about the least of these. However, when we look at this $20 billion cut, you have to wonder where the people of faith are and how they understand this scripturally, I have to say. So thank you for raising this.

Ms. DELAURO. If I can make one more point, because in the committee—and the people shall be nameless—there was an attempt by the leadership of scripture when people voted for and passed a $20 billion cut. I think it was one individual who said that in the
scripture it says: If you don’t work, then you don’t eat.

I went back to find out what kinds of subsidies from farm programs that the individual had access to. Quite frankly, it’s in the millions of dollars. I’m delighted that this individual can take care of family, but he’s doing it with the largesse and the kindness, if you will, of the Federal Government. That doesn’t seem to bother the individual at all. But providing food for a child or a senior or an individual is a bridge too far. We need to stop that and we need to call attention to it, and the people of this Nation need to know what is happening in this institution.

Ms. LEE of California. Absolutely. Thank you for that.

I just want to also remind us tonight that—well, first, I’m on the Budget Committee also. We had a debate about poverty. Both sides had something to say. Thank goodness at least we had a debate. But when it came to looking at the Ryan budget and the cuts that were enacted or that would be enacted if the Ryan budget passes, I can’t for the life of me understand how anyone on the other side to reduce poverty—as they said they do—could support the Ryan budget, because it cuts every single government program which lifts people out of poverty into the middle class and will actually put more people into poverty if the Ryan budget cuts are sustained.

Mr. JOHNSON of Georgia. Thank you. I am very happy to participate in this Special Order, especially with the esteemed women who are here—yourself, BARBARA LEE, and ROSA DELAURO, a person of great justice and passion who represents my State and lives there with her legs. And tries to do the right thing and fights for those who need a voice to fight for them.

I appreciate you, ROSA, for being here and for everything that you do.

BARBARA LEE—I’ve said it before—you are just a tremendous patriot, a wonderful person with a heart of gold, but with a fist of steel when it comes to what you believe in.

I deeply respect and honor both of those women. Today, in a Judiciary Committee meeting in which we were engaged in the war on women—another abortion bill—I happened to notice that on the other side there were no women on the panel. In fact, I discovered, to my horror, that there are no women on the Judiciary Committee, period, and here we are in the year 2013. On this side of the aisle, we’ve got so many great women from Connecticut: BARBARA LEE from California and so many others—NANCY PELOSI and DEBBIE WASSERMAN SCHULTZ. I can just name them forever, and I just appreciate being able to serve with them.

I’ll tell you that I’m not always out doing a lot of shopping, but I had to go shopping today because I decided to take what we call the food stamp challenge. It mandates that we go out and shopping today because I decided to take what we call the food stamp challenge. It mandates that we go out and that we spend no more than $31.50 for one-week’s worth of food. I’m just coming back from the local Safeway. Maybe I shouldn’t give that name out because I might have gotten a better deal at Publix—I don’t know—but I went to Safeway, and here is my bill. It is for $29.76. I went through the supermarket, trying to find a week’s worth of food that could get me through.

Pardon me for my choice of food, but I had to go back to my standard Quaker Oats oatmeal. I’m trying to be healthy. I can use this for breakfast or for dinner. But I got these for breakfast, my Homestyle waffles. They already have butter in them, so I didn’t have to buy the butter. I did have to come up, of course, with some sugar-free syrup. I got that. I was pleased to find Oscar Mayer bacon on sale—two for $5 and, I think it was, 99 cents. I got these two of the Oscar Mayer bacon. I didn’t mean to get the maple. I meant to get the regular. Anyway—boom—that was $5, $6. I bought some milk, and I bought some tea. I’m sorry. I splurged on some tea, but I did get some hot dogs and topped them off with some romaine noodles. I used to eat those a lot when I was in college, too. So I have 6 of those in there and 10 of these in here. Then to splurge I also bought some bananas.

That all ended up costing $29.76. I actually had an over-ring because I bought two heads of broccoli. So we call those “heads” of broccoli? But two things of broccoli, I bought those. Those ran me over, so I had to go through the indignity of standing there while the cashier called for an over-ring. They had to come over there and fix that and redo the whole thing. As they were doing that, people in line behind me and everything, and with people trying to get in and out of the store. They would have looked at me even more funny if I’d had food stamps to make the purchase, and they would have wondered why was I eating Oscar Mayer bacon.

This is what I’m going to be eating for the next 7 days starting tomorrow. It’s going to be a challenge. I certainly will not be eating three meals a day. I’ll be eating in the morning, and then I will eat in the evening. So between this meat, these starches, that fruit—and this is a starch here, with no greens—I think they had greens at Safeway, but there are some places—they call them food deserts—in the central cities where there is no market where there are no fresh fruits, even if I’d had the money to buy them. Nonetheless, this is not the most healthy of diets, but it will keep the hunger pangs away. I believe, for a week. If I were a child who was living on going to school every day, I’m not sure how angry or depressed or how, really, ready to learn I would be.

This is reality, so I am looking forward to participating in this. I understand you’ve done it now for a number of years, BARBARA. This will be my first year. I can’t say that I’ve been looking forward to it, but I have been getting ready for it.

Ms. LEE of California. Let me first thank the gentleman for that very powerful statement and also sharing with us what you were able to purchase. Also, much of what you purchased has a high sodium content and, as you said, very few fresh fruits and vegetables.

But what is just so tragic is that as Members of Congress, we don’t live on this budget each and every day. There’s an end in sight for us. But for millions of Americans, there is no end in sight. This is their existence.

What we’re trying to do is to make sure that that is no more and that people bought two heads of broccoli. Do we buy nutritious foods without worrying about health consequences, without worrying about the $20 billion which will cut substantially their ability to buy even the kinds of foods that are unhealthy.

So thank you very much for being here with us.

Let me now yield to the gentleman from Massachusetts, who serves on the Agriculture Committee, chairs our
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Hunger Caucus and has been a tremendous and consistent champion on behalf of those who are hungry, not only here, but throughout the world, and also fights for food security. I just want to thank him for being with us tonight, and thank you for your leadership.

Congressman McGovern has also taken the food stamp challenge many times and has really helped organize all of us here to be very focused on what is the real deal as it relates to the least of us.

Thank you again.

Mr. McGovern. I want to thank my distinguished colleague from California for organizing this and for her leadership on this and so many other issues aimed at trying to eliminate poverty in this country. I also want to thank all my colleagues who have already spoken on this issue.

I want to come to the floor just to remind people that hunger is a real problem in the United States of America. We have close to 50 million of our fellow citizens who are hungry, and 17 million are kids. We are the richest, most prosperous Nation in the world, and we have close to 50 million people in the United States who are hungry. It is not something that we should be ashamed of that fact. We all should be ashamed of that fact. What is particularly maddening about this issue is that it is solvable. This is a solvable problem.

Hunger is a political condition. We have the food. We have the resources. We have the infrastructure. We have everything but the political will to end it.

Hunger is a problem that costs us dearly. People say to me, Oh, we can't spend any more money; we have a tough budget situation. I remind them that we can't afford not to. The cost of hunger in this country is astronomical.

We pay an incredible amount in terms of single health care costs. People who don't eat on a regular basis, their immune systems are compromised and they end up spending more time in a hospital. Senior citizens who can't afford their prescription drugs and their food take their prescription drugs on an empty stomach and end up in hospitals. There's a cost to that. There is a human cost and there's a financial cost to it. Children who are hungry who go to school don't learn. Workers who are hungry and go to work lack in productivity. We pay for this.

This is solvable. It is solvable.

Now, I have come to this floor every week for the last 13 weeks with this sign, “End Hunger Now.” And I have given a speech every week about what we need to do to end hunger, a different perspective on hunger. I have tried to raise awareness on this issue because there is not a single community in the United States of America, not a single congressional district that is hunger free.

One of the tools that we have to combat hunger is the SNAP program. It is not the answer to everything. It is not a perfect program, but it is one of the tools that we utilize to help alleviate hunger in this country. And we are now considering a farm bill next week, which is stunning to me, because rather than using the opportunity to help expand our influence, our farm aid, and help alleviate hunger, it will be a farm bill that makes hunger worse.

The House of Representatives is going to consider a bill that came out of the Agriculture Committee that cuts SNAP by $20.5 billion. Two million people will lose their benefits. Hundreds of thousands of kids who qualify right now for free breakfast and lunch at school because their parents are on SNAP will lose that benefit. I've had people say to me, Well, you know, those people ought to go out and look for a job. The fact of the matter is that millions and millions of people who are on SNAP right now work. They choose not to work, but they earn so little that they still qualify for this benefit.

We ought to have a debate in this Congress about ensuring that work pays a livable wage, that when people go to work and they work full-time, they ought not have to live in poverty. But that, unfortunately, is not the reality as we speak. The reality is that there are millions of people who are working and earning so little that they need this benefit to feed their kids and feed their families.

As we emerge from this difficult economic crisis, we need to make sure that the safety net is in place. We need to ensure that people have enough to eat. That shouldn't be a controversial issue.

To my Republican friends, I would say that this used to be a bipartisan effort. In the 1970s, Senator Bob Dole of Kansas and Senator George McGovern of South Dakota worked together to help strengthen the safety net. But in the 1970s we almost eliminated hunger in America. We made progress. We came close.

Then we undid all of this. We turned our backs on those who were struggling, and now we have close to 50 million people who are hungry in this country. That, to me, is a national scandal. And rather than putting forward a farm bill that makes hunger worse, why not think about a farm bill that helps solve this problem.

I've urged the White House to call a conference or a summit on food and nutrition to bring us all together, all the various agencies that have some role in combating and actually come up with a plan to end this scourge. We can do this.

You're not going to solve a problem without a plan, and we do not have a plan. But as we wait to develop that plan, let's not take away what is there right now to help keep people from being hungry to literally starving.

When you cut a program like this by $20 billion—by the way, a program with one of the lowest error rates of any Federal program that I could find a missile program that the Pentagon is championing that has a lower error rate than the SNAP program. It would be phenomenal, quite frankly. It would save billions of dollars if the Pentagon ran their missile programs as efficiently as this program is run. Yet it has been demonized and it has been diminished. People have demagogued this program. All it does is provide people the ability to buy food; that's all it does. The fact that we would be taking away this safety net at this difficult time is something I don't think we should do.

To my Democratic colleagues who are saying that we ought to support a farm bill even though $15 billion of cuts in it, we'll send it to conference and hopefully it will all get better, don't do that. Our priority, if it stands for anything—we have stood by and for those who are poor, those who are struggling, those who are vulnerable—let's not throw away our safety net. Let's not trash our principles. This is not the bill that should be moving forward, not a bill that makes hunger worse.

I want to also call attention to the fact that I joined with Congresswoman Loez and others in a food stamp challenge today, and I just will remind you that this SNAP challenge that we took today means that we live on an average SNAP benefit, which is $1.50 a meal and it is $4.50 a day. That is not the life that we lead. You're not going to solve a problem without a plan, and by the way, it's not an overly generous program. We are doing the SNAP challenge. Some say this is a gimmick, it's a stunt. Well, you know what? We're trying to call attention to a real problem in this country. And if you think it's a gimmick or a stunt, you take the challenge. You live on this for a week. You see how difficult it is. It's hard to be poor. It takes a lot of time to try to make ends meet, to try to put a grocery list together that will get you through this week. So let's do it just for ourselves. Imagine doing it when you have kids. I'm a parent of a 15-year-old boy and an 11-year-old girl.
I couldn’t imagine the anguish of wondering whether or not I could put food on the table to make sure they have enough to eat. This is the United States of America. We should be trying to lift people up, not put people down.

Let’s finally, perhaps, acknowledge here that this should be a permanent condition. In fact, what we need to do is have a conversation about how to extend these ladders of opportunity for people so they can climb out of poverty. Other people need this, so they can be on their own, so they can have a job. That’s why so many of us have been complaining about the fact that we have a lot of debates here on the floor, a lot of bills, but we don’t seem to have many bills that deal with job creation. That’s the answer. That’s the answer. You want to get people off of SNAP, give them a job that pays a livable wage.

I’ll just say in conclusion that I appreciate the opportunity to be able to highlight some really good stories of people who have spent an awful lot of time as cochairs of the House Hunger Caucus meeting with people who are struggling in this country and meeting with families who have kids who are hungry. You meet a child, you see that look in their eye, they break your heart. You can’t get it out of your mind. And that there are hungry children in this country—in this country—is something that should not be.

I would urge my colleagues on both sides of the aisle, let’s come together and reject these cuts in the farm bill. Reject these cuts in SNAP, and let’s try to figure out a way to restore those moneys so that people will not go without, and then let’s have a farm bill that we can be proud of. If we cannot reverse the $20.5 billion in cuts in SNAP, then there’s no way we should support that farm bill. No way. Republicans and Democrats should join together and say no, we’re not going to support a farm bill that makes hunger worse.

I appreciate this opportunity, and I look forward to working with the gentlewoman from California and others in trying to find ways to make sure that people in this country have enough to eat, and also make sure that we develop a plan to help people transition off of this assistance so they can be independent and productive like all of the people we know who are struggling wanting to be.

Ms. LEE of California. I thank the gentleman from Massachusetts very much for that very powerful and clear presentation, but also for what you do each and every day for the last 13 years. This is part of your life’s work. So thank you very much for not only talking about why we need to not cut the $20 billion, but also why we need to build these ladders of opportunity so that people can get a good-paying job and lift themselves out of poverty.

Congressman MCGOVERN mentioned the food stamp challenge that many of us are taking: Congressman JOHNSON; our Congressional Black Caucus chair, MARCIA FUDGE; Congresswoman JAN SCHAKOWSKY; our Democratic Caucus vice chair, Mr. CROWLEY. Approximately 25 Members will be taking part in this food stamp challenge, in addition to who will speak next, the Congresswoman from the District of Columbia, Congresswoman ELEANOR HOLMES NORTON, because we need to raise the level of awareness of what is taking place not only here in Washington, D.C., in this body, but in the District of Columbia where we all have to thank Congressman, who is our representative during the week. We need to make sure that we recommit ourselves to fighting hunger, fighting poverty, and to not voting for this agriculture bill if the $20 billion cut remains.

So, Congresswoman NORTON, thank you very much, and thank you for allowing us to be at your grocery stores today and to work with people in your district to really see and understand what is going on here in the District of Columbia.

Ms. NORTON. I thank the gentlelady from California for her consistent, heartfelt, energetic leadership on this issue for many years. And I see the gentleman from Georgia is here. I am so pleased he brought down his shack for the week. I had to ask him, Did you really get those bananas? He budgeted so well that he was able to stay within the $31.50 for the week.

Now, I want to thank all of the Members who visited at what I call our neighborood Capitol Hill Safeway at 14th and D Streets, Southeast, where we had the help of employees who helped guide us toward the least expensive food.

I was interested to hear the gentleman from Massachusetts talk about the low error rate, something like 3 percent. I just sat through a committee hearing this morning, and the discussion was about how much waste and fraud reported in a 2011 report about the wars in Afghanistan and Iraq. They reported that about 30 percent was attributed to waste and fraud. Here we have poor people in a program with the lowest error rate I’ve seen in a long time.

I want to thank all of the Members who visited at what I call our neighborhood Capitol Hill Safeway at 14th and D Streets, Southeast, where we had the help of employees who helped guide us toward the least expensive food.

What we’re talking about here is the House outdoing the Senate. The Senate bill already cuts $4 billion. The House wants to cut that up to five times. How much damage can we do and sit up straight and feel that we are worthy to be in the Congress of the United States?

We succeeded because of the stimulus in raising the per meal amount from $1.40 a day—isn’t that an amazing number—to $5.50 a day. When I was going through the noise, the one of the clerks said to me, Don’t you want to get some water? I said, God, go to the spigot, please. I hope people are not buying water on the food stamp challenge because you’ll have to eat it. Bottled water is very expensive—and unnecessary.

We believe at least 20 million children will be affected, and 10 million of them are labeled poverty. These people are going to be off the rolls altogether. The reason they are on food stamps at all is because in our wisdom, food stamps, SNAP, has become an entitlement. There are some other bills that take that away from them. I don’t know where poor people would be. TANF, for example, its rolls have not increased. So what people have at least been able to do is eat.

And let me tell you about eating. The calculation is that the monthly amount of food stamps will last you about 2½ weeks. If you’re eating anywhere near what you should be on $4.50 a day, it’s going to last you, according to the low error rate, something like 2½ weeks. What do you think people do the rest of the month on a month’s worth of food stamps that last 2½ weeks? They go to the churches or the food pantries. They get the rest of what they need from the programs which is why our charities’ cupboards are bare. You go there, and even the food charities are begging for food because so many people are coming to the pantries because food stamps sustain a family. These are the poorest people. So all we’re trying to do is just try to raise the consciousness really right here in the House of Representatives.

If we got even where the Senate was, that would mean hundreds of thousands of people losing foods stamps that have no other sustenance.

What more can we do to people on food stamps?

It seems to me we have hit bottom, with a provision in the Senate bill that seeks to ban certain ex-convicts from receiving food stamps. Our ex-convicts, our people who are trying to start building a life, and the Senate bill says they are not eligible. That’s the provision that’s on the table to make sure they have no access to food stamps.

Now, wait a minute. I understand—they list certain kinds of violent crimes, and it’s very easy to get everybody worked up about giving them any food. I mean, if this is what you want to do to them, why don’t you just give them a life sentence and leave them in jail where they’ll be fed three meals a day.

But this provision means that if you committed one of these crimes, and they do mean only murders, rapists and pedophiles, these are not people for whom anybody will speak up. If you’ve committed one of those crimes, even if it was a single crime, even if it was decades ago, even if you’ve been rehabilitated—but, of course, if you committed one of those crimes you’re not doing well, perhaps, so you may need food stamps. Not only would you not be permitted food stamps, but the family allotment would be decreased by your portion.

What are we trying to do?

By the way, don’t they say they have a lot of Christians on the other side of
the aisle, Christian conservatives? Where are they? Where are they?

Aren’t these the people that Jesus would have reached out to and said, let me feed you because nobody else will? I just don’t think that when you hit people down as low as they can get, you ought to be proud of yourselves as a Congress.

We even find, among low-income workers, if I could make just one point, most of them try to keep from getting on food stamps. And you have some States going out and saying, instead of going hungry. These are low-income people who work on the pantries—I think you’re entitled to SNAP.

We had people in the streets here in the District of Columbia, just last month, who work in these iconic buildings, Federal buildings, for retail, and some of these are great big retailers, like fast food who pay them the minimum wage with no benefits. Guess who pays?

Those who, in fact, have some knowledge, supplement their low incomes with food stamps. And guess where they get their health care? You and me, the taxpayers.

What are we allowing people to pay so little that they depend upon the taxpayers to make up the rest?

So my good friend from California, I say to you, thank you for taking your usual leadership here and again, particularly your leadership on the SNAP challenge.

Don’t feel sorry for us. We’re going to have plenty to eat before and after. It doesn’t begin, I think, until the 13th, for a week. We ask only that you think deeply about those who will represent on this SNAP challenge.

I yield, and thank the gentlelady from California.

Ms. LEE of California. Let me thank the gentlelady from the District of Columbia, first of all, for working day and night and also for half of the residents of the District of Columbia.

Secondly, for really laying out additional impacts and how this $20 billion cut and what the bill will actually do in a very negative way. I mean, the whole, all of the issues that you raised, many people don’t even know are in the bills. And so that’s why we try to beat the drum a little bit down here on the floor, and you certainly have awakened America in terms of what some of the more critical issues are in this bill.

So thank you again for your leadership and your friendship.

How many minutes do I have left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Georgia.

Ms. LEE of California. Let me just conclude, before I yield to the gentleman from Georgia.

Now, I am a former food stamp recipient myself. Of course, I’m not proud of that, but I am. I didn’t talk about it for a long time because of the stigma associated with being on public assistance and on food stamps. But I decided a couple of years ago, when we started to see these tremendous cuts and assaults on these safety net programs, to really talk about my personal experience.

And I was going to college, raising two little boys who are phenomenal people, and I raised them on their own families. But it was very difficult, very difficult. I would not be here if it were not for the lifeline that the American people extended to me when I was a single mother struggling to care for my kids. And I know that we can’t let food stamps just be on food stamps. Everyone wants a job. Everyone wants to take care of their kids and their family, but there are bumps in the road sometimes, and sometimes, we didn’t turn around for a lot of people. And so that bridge over troubled waters, that needs to be there. You know, that needs to be there.

And so I hope that Democrats and Republicans reflect these cuts. We need to stop sequestration. We need to start creating jobs and build these ladders of opportunity for people.

And I hope, and many of us hope, that President Obama sign this bill if it gets off this floor with this $20 billion cut because, first of all, it’s morally wrong, it’s fiscally irresponsible, it will hurt our economy, and we need to lift people, build these ladders of opportunity and lift the economy for all.

Let me now yield to the gentleman from Georgia for a concluding statement.

Mr. JOHNSON of Georgia. Thank you, BARBARA LEE. Thank you, ELEANOR Holmes Norton. Thank you for inviting us to the table to this Congress and on behalf of your constituents, one of whom is me, during the week, as I’m a D.C. resident. I mean, I’m a D.C. native; I had to move to Georgia before I could come back.

But anyway, Mr. Speaker, on behalf of the Safe Climate Caucus, and as a member of the Armed Services Committee, I’d like to take a moment to discuss two major implications of climate change for the Department of Defense.

First, climate change will shape the operating environment, roles and missions that the Department undertakes. It may have significant geopolitical impacts around the world, contributing to greater competition for more limited and critical life-sustaining resources like food and water.

While the effects of climate change alone do not cause conflict, they may act as accelerators of instability or conflict in parts of the world.

Second, the Department will need to adjust to the impacts of climate change on its facilities and infrastructure.

With that, after pointing out that we’re spending $3 billion on an east coast missile defense system which is totally unnecessary, I will yield back.

The SPEAKER pro tempore. The time of the gentlewoman from California has expired.

Ms. LEE of California. Thank you, Mr. Speaker. SNAP works.
Mr. Speaker, I simply find it difficult to understand how we can let this happen, how we got to this place in our country, how we can willfully cross a threshold that Republicans and Democrats of an earlier, wiser era sought scrupulously to avoid. For the first time in our history, Mr. Speaker, the new health care law provides the Secretary of Health and Human Services the discretionary authority to mandate the coverage of drugs and procedures such as abortion-producing drugs. Many of us have reasonably find these drugs and procedures controversial. In past times, they were considered to be elective. If a person or an organization didn't want to choose them, they didn't have to.

In 1993, Congress passed the Religious Freedom Restoration Act, a federal law signed into law by President Clinton. The Religious Freedom Restoration Act ensures that Federal officials cannot reach into the private sphere to subvert the practice of religion. In view of the many philosophical and diverse religious perspectives in this country that all contribute to our vibrant civic culture, members of both parties, Mr. Speaker, worked to pass that important piece of legislation.

Now, however, we have the HHS mandate, which is clearly an affront to established law and precedent. Conscience protections in health care have always been championed by members of both parties since Senator Frank Church authored the widely popular Church Amendment in 1973 to protect objections of conscience to abortions and sterilization.

So, Mr. Speaker, what has changed? What has so dramatically changed in this body? We have lost our collective sense of respect for divergent views. We have lost our sense that the government must protect that sacred right of conscience and not coerce her citizens into doing something that they fundamentally believe is unjust or wrong.

While the HHS mandate is arguably a small component of the 2010 health care law, it does bring us face-to-face with a stark new reality here in Washington that we fervently hope will not become the new normal in America. We have recently heard of the discrimination against Americans by certain employers at the IRS, IRS employees targeting Americans because of their religious, philosophical or political leanings. The IRS is the very agency set to implement the new health care law.

Mr. Speaker, a good government must ensure that those in position of authority are committed to two principles: fairness and impartiality. These revelations about religious and political targeting have done much to undermine the public trust.

But, Mr. Speaker, the HHS mandate is also a form of discrimination. It primarily targets people in faith communities, the very people who have been the backstop of compassionate care for the poor, the vulnerable, and the marginalized in our society today.

When the new health care law was under consideration, it was said that if you like your health care, you can keep it. Now, however, we are finding out that we are not able to keep your health care plan. You may not be able to keep your doctor. You may not even be able to keep your own faith traditions, given this governmental threat.

Mr. Speaker, no American should be forced to choose between their conscience and their livelihood. No American should be forced to choose between their faith and their job. No American should be forced to choose between their deeply held, reasoned beliefs and the law. That’s a false choice. It’s un-American, and it’s wrong.

I want to thank my colleagues who have joined me tonight to share other objections of conscience deeply concerned about the impact of this mandate upon them, but who also, I think, are going to discuss the very purpose of our government, which, at its core, should be to protect the dignity of every person, beginning with the fundamental right of the reasonable exercise of conscience. Mr. Speaker, this is not some theoretical debate. This is about the preservation of our way of life, the ability to work as we choose, the ability to serve as we see fit with what should be support from our government.

With that said, I’d like to now call upon and yield time to my good friend, Joe Pitts, of a firm Pennsylvania. He is a Vietnam War veteran. He flew 116 combat missions in service to our country.

Joe, Mr. PITTS. Mr. Speaker, I want to thank the gentleman from Nebraska (Mr. FORTENBERRY) for his outstanding leadership on this issue that we’re discussing tonight, the right of conscience. And I come tonight to the floor with alarm over how this administration is trampling on our First Amendment rights.

Freedom of assembly means that Americans can come together to petition the government, but the IRS has targeted specific groups for extra scrutiny, throwing up roadblocks to their organization.

Freedom of the press means that journalists can work on stories without government interference, but the Justice Department has multiple telephone numbers for the Associated Press and investigated a FOX News journalist as a “coconspirator.”

Freedom of religion means that the government does not get to tell you to violate your beliefs, but ObamaCare is enforcing even explicitly religious employers to provide services they have moral objections to.

Our freedoms are clearly under assault by government bureaucrats who claim that they know what is best for all Americans. Over 60 organizations around the country, nonprofits and businesses, are suing the Federal Government to protect their rights.

As one of those businesses located in my district, in Lancaster County, Conestoga Wood Specialties of East Earl, Pennsylvania. For nearly 40 years, this family-owned business has made high-quality doors and wood components for kitchen cabinets. They provide over $50 quality jobs to people, but now they are being coerced into providing government-approved health care, required to pay for products that include abortion-inducing drugs and sterilization.

Anthony Hahn, President and CEO of Conestoga Wood Specialties Corporation, said this:

Being told that we must provide a health plan that includes a provision that violates the Christian beliefs of our family and the Christian values that our company was founded on is deeply concerning. Americans should never be coerced into providing government-approved health care, required to pay for products that include abortion-inducing drugs and sterilization.

And they’ve gone to court over this.

Americans should not have to sacrifice their religious rights when they enter the marketplace. ObamaCare would fine Conestoga Wood Specialties up to $36,500 per employee per year—$34 million a year for not providing government-approved insurance, but only about $2 million for not providing any insurance at all. This is madness. Clearly, this law is out of control. Americans and many others are fighting for their rights in court, but here in Congress, we too have an obligation to defend the Constitution.

The Founding Fathers established a Bill of Rights because they knew that the government would always be tempted to abuse its power. Democratic elections do not protect the rights of unpopular minorities. In fact, all too often an unbound democracy becomes a tyranny of the majority.

The bureaucrats at the HHS may feel that they know what is best for all Americans, but being an American means the freedom to decide on your own, to let your convictions guide your life. What kind of Nation will we be when the IRS decides who gets to assemble, when the Department of Justice decides who reports the news, and when HHS decides what religious beliefs are worthy of First Amendment protection?

I’m not a Catholic. I’m not a Mennonite. We don’t share the same ideas about what is morally objectionable on everything, but I do not believe that my ideals should be forced on them. Under ObamaCare, we can’t choose our
doctor; we can't choose our health insurance plan. Now we lose our First Amendment rights.

At one time Pennsylvania was perhaps the only place in the world where people could freely practice their religious beliefs without fear of persecution. In a world where people were killing each other over theology, William Penn established a safe harbor in our colony, and Penn's once radical idea became the foundation for our Nation's concept of religious freedom.

The HHS mandate reminds us that our rights are not guaranteed. We must stand up and protect them. We must continually demand that the government respect that which has been granted to us by God. And I'm proud to stand with my colleagues tonight in defense of religious freedom, to stand with my constituents at Conestoga Wood Specialties.

We should pass the Health Care Conscience Rights Act and make it clear that representatives will not stand by while minority religious beliefs are under attack. What a sad day for America when our fundamental rights like religious freedom and freedom of conscience are under attack by the very hands of government. We must pass this bill.

Mr. FORTENBERRY. Thank you, Congressman Pitts, for bringing us together this evening with a number of colleagues and a friend, Dr. John Fleming from Louisiana. As a dedicated physician who cares deeply about the health care system in our country, I know you can provide us with extraordinary insights into the problems with the implementation of the new health care law. But I think it's important to point out that you are one of the lead cosponsors and a coauthor of the Health Care Conscience Rights Act, and we are very grateful for your leadership as well.

Mr. FLEMING. I thank the gentleman from Nebraska (Mr. Fortenberry) for bringing us together this evening with a number of colleagues talking about an extremely important topic today, and that is health care conscience rights. You've heard some of the major points here, and I'm going to touch on more.

On August 1, 2013, the administration's contraceptive mandate will take effect. It will force religious organizations, American family businesses, universities, and countless others across the country of our Constitution to violate the deeply held moral and religious beliefs that we have. The HHS mandate is a serious affront to religious freedom and leaves American businesses, nonprofit religious organizations, and individuals with three terrible decisions.

First, they could violate their science and religious convictions and comply with the mandate, purchasing and providing items and services they find morally objectionable. Second, they could resist the mandate, not complying with the federal regulations, and face fines up to $100 per employee, per day.

Or third, they could drop employee health coverage altogether—which defeats the purpose that the architects of ObamaCare had in mind—leaving employees to fend for themselves and still pay a Federal fine of $2,000 per employee, per year, according to the business that employs that person.

These are not morally choices, but a top-down, burdensome Federal regulatory scheme that forces the American public to participate in a government-run health care plan that violates their values.

Who are we talking about? Who will be affected by the HHS mandate? Mr. Speaker, to date, six cases and over 200 plaintiffs have filed suit against the Federal Government to preserve their First Amendment right of freedom of religion. One of the nonprofit lawsuits was filed by Louisiana College, a private Baptist college in pineville, Louisiana just outside of my district. Offering degrees in art, music, science, nursing, social work and teaching, this central Louisiana school has a student enrollment of about 1,500 students, and a faculty/student ratio of 13:1.

The HHS mandate requires that Louisiana College provide employee health insurance covering abortion-inducing drugs and counseling on the use of such drugs. This, Mr. Speaker, is a violation of Louisiana College's belief that all life is sacred, including the life of the unborn.

Who else? Hobby Lobby is another example of a well-known business throughout the country—we have 11 stores in Louisiana—employing more than 2,000 people in 41 States. The business practice of Hobby Lobby mirrors these are not principles. Their hours of operation are family friendly, and they are closed on Sundays. Employee pay is important.

Well, what is the anecdote to this problem created by ObamaCare and the HHS mandate? Mr. Speaker, it is using the coercive power of the state to force tens of millions of people who have been discriminated against. You see, at this time, Mr. Speaker, people who are discriminated against, or coerced or forced in some way by this mandate don't have access to courts. This opens up a private right of action so that those of us who may object to this coercion of conscience will have our day in court.

Just in conclusion I would like to say, Mr. Speaker, that ObamaCare has provided many, many problems and really no solutions. But there are even more unintended consequences, and that is forcing people of conscience to have to make that decision on whether to end providing certain care for their employees or for their—really to their patients—or suffer large fines, or just give up on health care coverage at all for their employees.

I think it's time that this country comes together and decides, let's make health care attractive and affordable and protect life, and protect those who want to protect life, and not have this top-down, bureaucratic, coercive system that's now in law that will require many of us to do many things against our conscience. That is simply un-American.

With that, I thank the gentleman for his time today.

Mr. FORTENBERRY. Dr. Fleming, thank you as well for your leadership.

To know that you gave up a medical practice to enter into public service and stand here today defending this important philosophical and constitutional right is a inspiration to all of us. Mr. Speaker, I would now like to call upon my good friend, Congressman Chris Smith from New Jersey. And if you don't mind me calling you the "Dean" of the tireless efforts on behalf of so many of us to fight for human rights and the pursuit of the American dream.

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Congressman Smith.
faith and people of conscience to violate a fundamental conviction or suffer a severe penalty. What Mr. Obama has done is unconscionable, unprecedented, and violates religious freedom. By coercing all insurance plans, including those offered by faith-based religious entities, to pay for drugs and devices that are contrary to their deeply held beliefs, including subsidizing abortion drugs like Ella and Plan B, President Obama demonstrates a reckless disregard for conscience rights.

Equally unjust, regardless of moral convictions or religious tenets, simply because his administration says so. Mr. Obama’s means of coercing compliance—absolutely ruinous fines of $100 per day per employee that total up to over $35,000 per year per employee. Just people listening at home, our Members who may be listening to today’s important Special Order, $36,500 per employee per year.

When faith-based organizations refuse to comply, the Obama mandate will impose incalculable harm on millions of children educated in faith-based schools, as well as the poor, the sick, the disabled, and frail elderly who are served with such compassion and dignified care.

Even Notre Dame, which heaped praise and honors and an honorary degree on President Obama in 2009, will be crushed by this cruel mandate. Astonishingly, it was President Obama in his 2009 speech at Notre Dame University who said:

Let’s honor the conscience of those who disagree with abortion and draft a sensible conscience clause.

Mr. Speaker, another promise broken: more empty, misleading rhetoric from the President who has excelled at that.

Mr. Speaker, the fact of the matter is approximately 4,600 employees are covered under Notre Dame’s self-insured health plans, which means that Notre Dame will face fines of over $100 million a year when they refuse to comply with the Obama mandate.

If Mr. Obama’s attack on conscience rights isn’t reversed, faith-based employers will be discriminated against and fined, and employees who today benefit from health insurance plans provided by their faith-based employer will be dumped into government health exchanges. And even when they do that, the promise made to faith-based organizations are also without precedent. If a faith-based entity scraps its own insurance coverage because of the Obama mandate, they are then fined $2,000 per employee.

Mr. Speaker, Mr. Obama’s attack on conscience rights fits a dangerous emerging pattern. The United States Conference of Catholic Bishops had a Federal grant to assist human trafficking victims under a law that I wrote known as the Trafficking Victims Protection Act of 2000 and did an absolutely superb job, according to all professional reviews, assisting trafficking victims in this country. In 2011, however, the USCCB, or the Conference of Catholic Bishops, was blatantly discriminated against and thrown out of the program simply because they would not refer for abortions. That was it. Throw it out of the program.

He has therefore, and violated the Religious Freedom Restoration Act repeaters and restored conscience rights, Mr. Speaker, by making absolutely clear that no one can be compelled to subsidize certain so-called services in private insurance plans contrary to their religious beliefs or moral convictions.

Again, I want to thank Mr. FORTENBERRY. He had introduced the legislation in the last Congress and was the first individual in this House to come out of the blocks to recognize just how damaging the Barack Obama anticonscience initiative really is. We need to move on this. We need to protect those men and women of conscience, those of religious belief who will not bow and will not go in the direction that this administration is demanding.

Mr. FORTENBERRY. Thank you, Congressman SMITH, for your very powerful words. I think, before you leave, I should say this. We also value your leadership. For decades now, you’ve stood in this House well, even when it wasn’t the most popular thing to do—as it isn’t now—to talk about that which is right and just, that which is higher and good, in a sense, provoke the conscience of this body to a more meaningful engagement. So I want to thank you again for your strong leadership.

Let’s turn now to my good friend Dr. BILL CASSIDY, another physician in the House of Representatives, from Louisiana. Again, like I told Dr. JOHN FLEMING, I think it’s important that everybody knows that you left a medical practice to enter into public service, and we’re very, very grateful for the example you’ve provided, the example of leadership well. I know you have some broader concerns about the issue of conscience and religious freedom, so we look forward to hearing your comments.

Mr. CASSIDY. Thank you, Congressman FORTENBERRY.

Mr. Speaker, a couple of things. First, I associate myself with the remarks made by my colleagues. I think there is a concern regarding our religious freedoms here in the United States.

But for just a moment, I want to draw the attention of those watching and the Speaker to an issue of Pastor Saeed Abedini. He is an American, originally from Iran, who is now incarcerated for 8 years — this is his sentence in Iran — for crimes, as they defined it, that happened 13 years ago. This is a question of religious freedom which involves an American citizen who happens now to be abroad.

Pastor Abedini is 33 years old, was born in Iran, and there converted from Islam to Christianity. Here, that would not be a big deal because we have religious freedom. Theoretically, so does Iran.

In his early twenties, he helped start house churches. It was legal to do so. At some point, he moved to the United States and married his wife, who I gather his family also is originally from Iran. They have two children and they live in Idaho.

He went back to Iran to work on a nonsectarian orphanage. He was arrested by the state police and incarcerated, at first they said for activities during the summer of 2009. They apparently are attributing it to his work in house churches around the year 2000. But he has been incarcerated in prison and is tortured. He’s been taken to the hospital on a couple of occasions. The physician recommended that he be admitted to a hospital. The Iranian Government will not allow it. He went to seek medical care on another occasion. The nurse refused to touch him saying that because he was a Christian, or if he’s a Baha’i, either, she would not touch him.

So here we have a fellow, an American, who is being imprisoned for activities which happened 13 years ago in a country which is a signatory to the UN Declaration of Human Rights in which someone may have religious freedom.

Now, it is upon us, as Americans, if you’re a person of faith, to pray for the Abedini family. If you’re a person not necessarily of faith but just believe in human rights, this is something which should be incredibly important to you. If you’re just a person who has compassion for a 33-year-old man whose wife and two children are here alone as he is being imprisoned and tortured for no other crime than attempting to start an orphanage for children who might not have another option, even that would offend someone who is of no faith whatsoever.

So what can we as Americans do? One, we have to do the things that we do. We have a resolution that has been submitted that calls upon the U.S. State Department to intervene on his behalf — and, in fairness, the State Department has attempted to do so in the past, but there is some feeling they could do more — and for the Iranian Government to free him.

So one, we have this resolution before Members of Congress. If you’re watching this, ask your Member of Congress to sign on to this resolution. It has bipartisan support now.

□ 2020

Number two, contact our State Department and ask them to redouble their efforts to free Pastor Abedini.

Number three, include him and his family in your prayers. We can only imagine if our loved ones were abroad, in prison, being tortured, without access to health care, and what that would mean for both wife, children, and also parents.

Lastly, join us all in admiration for a man in his commitment to the people...
whom he loves, who was willing to risk something that he knew might be a possibility as he was living out his faith, caring for those, treating those as he would have them treat him but, as an impulse of his faith, going to those who were otherwise without care.

So thank you for allowing me to speak on behalf of Pastor Abedini, and I thank you for having this discussion of religious freedom here tonight.

Mr. FORTENBERRY. Thank you, Dr. CASSIDY, for your powerful words as well.

As you were speaking, I was reminded of the fact that this is America. We disagree with what the President and the Secretary of Health and Human Services have done with health care, particularly imposing this harsh mandate. We need the right type of health care reform, but one that is going to protect our liberties and not simply shift more unsustainable cost and spending to the government.

Thankful debates that we have, but we have that debate, and we can have it right here without fear of that type of retribution that so many people in other places have who are exercising their deeply held beliefs, their rights, their faith perspectives; but they do so under grave threat. This is still America.

Mr. CASSIDY. The United States has historically been a beacon of human rights to the rest of the world, and so it is no accident that a fellow comes to the United States seeking religious freedom.

I think the undertone of what others here have spoken is the sense that some of our commitment to religious freedom is under siege by forces of secularism. Now, you can be secular if you wish; but nonetheless, the First Amendment says that the right to practice religion shall not be infringed upon. So with all of these kinds of trimming at the margins, at the edges, of someone’s ability to practice her faith or his faith, one, it affects us, but, two, it also affects our standing in the rest of the world in our ability to advocate for those who do not have the same freedom as we.

If others see our example as substituting religious freedom for something which is less so, how much less will our beacon be dimmed? That will have tragedy, not only for us, but also for our conscience, its potential to the United States seeking religious freedom.

Mr. FORTENBERRY. That is an outstanding point to make. It’s something, as I tried to state earlier, that we so take for granted—our rights of conscience as we exercise them through faith, through prudential judgment in our everyday lives. It has been embedded in our culture and, therefore, in our government until very recently, until this measure has come along and is coercing people unjustly into violating that sacred space, that right of conscience.

By the way, this is not just people of faith who are speaking out. Other persons of goodwill can see the fundamental principle here in that, if we erode that, we are eroding something that is essential to human dignity and the very flourishing of democratic ideals, themselves. So thank you for pointing that out.

The gentleman from Michigan, if you are able to speak, I’d love to hear from you.

Congressman WALBERG is a good friend, who has been here a long time, again, championing these issues, standing up for what he believes to be right and just. I return in trying, as well, to exercise his rights of good conscience before this body about what is essential and good.

So thank you, Congressman WALBERG, for coming tonight.

Mr. WALBERG. Thank you, gentleman from Nebraska. I thank you for your leadership, and I thank you for the opportunity to stand with principled legislators. We are not talking about parties here. We are talking about people who understand rights and responsibilities.

The First Amendment to our Constitution says so clearly that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Tonight, we are trying, as well, to exercise our rights of good conscience as we exercise them in our everyday lives. It has been through faith, through prudential judgment in trying, as I tried to state earlier, that thing which is less so, how much less substituting religious freedom for some other freedom as we.

The Constitution says so clearly that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Tonight, we are trying, as well, to exercise our rights of good conscience as we exercise them in our everyday lives. It has been through faith, through prudential judgment in trying, as I tried to state earlier, that thing which is less so, how much less substituting religious freedom for some other freedom as we.

The First Amendment liberty affirms that for us. It affirms us for greater principles than just political or even governmental.

In which ultimately the year my father was born, 1903, Abraham Kuyper, a theologian—and I take great comfort in the fact that theologians sometimes aspire to political life in coming from the pastorate myself and pastoring for over a decade—this theologian who became the Prime Minister of the Netherlands, said:

When principles that run against your deepest convictions begin to win the day, then battle is your calling, and peace has become an obstacle. The deepest convictions begin to win the day, you must lay your convictions bare before friend and enemy with all the fire of your faith.

That’s a powerful statement. It’s a statement that, I’m sure, Mr. Kuyper would have said to his brethren in the Netherlands is not coming simply from my religious convictions but, rather, is coming from my conviction for freedom and the right given us by the Creator God. So he fought. Sadly, as we know the course in the Netherlands, he failed. And he lost, of course, of some of his dearest, of some of his closest friends.

We know the impact upon the unborn. We know the impact upon the elderly. We know the impact upon the frual, upon the disabled in the Netherlands. Their lives are cast off. Their lives are not as secure.

So here tonight, Mr. Speaker, we stand for rights of conscience that go way beyond just issues of medicine and issues of government. It goes to the core of life and to the sanctity of it and to the humanity of each and every individual.

We have talked about some people and about their convictions of things like life, abortifacient, contraceptives, and people who are compassionate to businesses and compassionate in using their businesses for the good of people, like the Greens already referred to with Hobby Lobby, who allegedly have given over $500 million to charities and work really to do good for their employees and benefit them and see that as an outflow of their religious life as well;

Or we go over to St. Louis, where Chris and Paul Griesedieck, who run a 105-year-old business that they’ve carried on from their father and grandfather, with 150 employees who have taken stands for their religious beliefs, as well, and have very clearly stated that they will not abandon their beliefs in order to stay in business. The impact is upon all of their people;

Or we look at an 85-year-old gentleman by the name of Charles Sharpe, also from northeast Missouri, who has made millions in the insurance business, but who took that and founded the Missouri Counseling Center, providing rehabilitation services to men and women who are battling drug and alcohol addiction, and employing 170 employees. Yet if this HHS mandate comes down on them, those employees will lose their jobs, and they will lose millions of dollars of fines.

I can go to businesses in my district like Eden Foods, which has challenged the insurance rule on religious grounds; or a garden center in Oakland where they’ve been wrangling with the government—employing many, many employees and providing benefits—and is now being challenged with this HHS mandate. I could go on and on.

Mr. Speaker, it is time for us who understand what America is about to stand firmly with our convictions and to uphold liberties that go way beyond ourselves. Our Framers and Founders understood that. John Witherspoon said that a Republic once equally powerful must either preserve its virtue or lose its liberty.

We are losing our liberty.

John Adams—and I close with this—the second President of the United States said that our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

Mr. Speaker, the people of the United States are great people, and this government is a great government; but the attack on what makes America America—its liberty and its freedom and its moral and traditional value heritage that is now being impinged upon to the point of violating rights of conscience—we must stand and stand firmly.

So I thank the gentleman from Nebraska for pulling us together so as to speak out clearly tonight; and I would hope, Mr. Speaker, that those who are listening and watching tonight on C-SPAN will speak out very strongly to their colleagues and their families, calling us back to decency, order, conviction—and a conscience that even God can honor.
Mr. FORTENBERRY. Before you leave, Congressman LIPINSKI, let me first of all say thanks. I’m very deeply grateful to you for two things. One is your personal friendship. The second is the gift of your work on these essential American issues. I think most American people want to see what we just did: Republicans and Democrats standing right here and focusing on that which can be constructively achieved for the greater good. So for you providing that example of strong bipartisanship in this effort, I’m very grateful. Thank you so much.

Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mr. COOK). The gentleman has 12½ minutes remaining.

Mr. FORTENBERRY. Mr. Speaker, now I’d like to turn to my new friend, Congressman MARK MEADOWS, from near Ashland, North Carolina. He was newly elected for this Congress. And I’m just going to say this—and I hope this doesn’t embarrass you—I consider you a rising star. Your thoughtfulness, your leadership, your understanding, which is most important around here, your willingness to look for good outcomes, to me, has been a great example.

So we are grateful for your willingness to come tonight, and I turn it over to you.

Mr. MEADOWS. I thank the gentleman from Nebraska, and I, too, would echo just the fact that we’re your friends and I appreciate your leadership on this and the heart that it represents.

Mr. Speaker, I rise today to join with my colleagues in strong opposition to the Obama administration’s attack on our First Amendment freedoms that we, our First Amendment rights that must be protected.

This HHS mandate that has been mentioned many times tonight is an unprecedented government overreach that forces charities and businesses to buy plans for their employees and provide coverage in areas that violate their deeply held religious beliefs.

We’re already heard about Hobby Lobby and the fact that they’re facing fines of some $1.3 million a day just for believing and upholding those values that they hold dear. And I’d love to say that I wish that it was just with Obergefell because that’s what we’re having this attack, but it’s not.

Throughout our Nation, we’re seeing our religious liberties being attacked in a number of areas. In New York, the school board has been working there for two decades to block Bronx House of Faith from meeting in a public building for their worship services on Sundays.

In Montana, we see that Canyon Ferry Road Baptist Church faced elec- law charges just for a volunteer passing out petitions to place a marriage amendment on a Montana ballot.

In Louisiana, we saw a Federal contractor order Calvary Baton Rouge Chapel to stop the sale of fireworks. That was recently vacated, but it’s a reminder.

In South Dakota, we have the amazing case of Hobby Lobby, facing fines of up to $1.3 million

It’s not about partisanship. It’s about this hour, this is not about politics and here.

This principle that transcends the philosophical, the political, the philosophical effort to revive an understanding of this fundamentally American principle that transcends the philosophical differences we tend to find with the pushing and shoving that go around here.

I want to turn now to Congressman DAN LIPINSKI and yield time to him.

As I said earlier in the beginning of this hour, this is about politics and it’s not about partisanship. It’s about principle. Congressman LIPINSKI and I do not share the same party affiliation, but we share this principle. He has been one of the key lead cosponsors on this initiative, the Health Care Conscience Rights Act, and has stood, as well, side by side in helping to promote this effort to revive an understanding of this fundamentally American principle that transcends the philosophical differences we tend to find with the pushing and shoving that go around here.

So I’m very grateful, Congressman LIPINSKI, for your willingness to come tonight and speak with us.

Mr. Speaker, thank you, Mr. FORTENBERRY. Thank you for yielding and leading us here tonight. I’m glad to join you here from this side of the aisle.

Mr. Speaker, religious freedom is our first freedom, as stated right there in the First Amendment. This is not just freedom to worship as we hear it defined in many ways. It is not just freedom to worship in our own homes, in our churches, synagogues, mosques, temples. It is freedom to practice and live out religious faith here in America.

On June 21 through July 4, the U.S. Conference of Catholic Bishops is having a Fortnight for Freedom to pray, educate, and act for religious freedom. But this is not just a Catholic issue. This is an issue for all Americans. It’s an American issue. Just as you said this is not just a Republican issue.

Freedom is what our country was founded on. We just recently commemorated Memorial Day for all of those who have died for our country and for freedom. Friday is Flag Day. Again, we’ll be remembering what America is all about in our freedom. And of July, we celebrate the freedom that our country was born to serve and to live out and be a beacon for the rest of the world. We need to uphold that freedom, and the HHS mandate, amongst other efforts, other things that have been done by the Federal Government, unfortunately, in recent years has really run counter to freedom.

Mr. Speaker, I want Americans to understand what this is about. It’s not about abortion, though this is not about abortion either, though we were told in the health care law, Obamacare was not going to cover abortion, though we know the HHS mandate requires the abortion-induc-
a day because of refusing on religious grounds to include abortion coverage in employee healthcare packages.

Organizations that do not comply with the mandate will face fines of up to $2,000 per employee per day. Those who can’t pay may have to make the incredibly difficult decision to drop health care for their employees. This administration has made it more costly to defend and protect our religious freedoms than it is to provide healthcare.

Americans should never be penalized like this simply for following their conscience. Violating our fundamental right to religious liberty aren’t just limited to Obamacare, however.

Throughout our nation, we are seeing an increase in attacks on our religious liberty: In New York, the school board has been trying for nearly two decades to block Bronx Household of Faith from meeting in a public school building for worship services on Sundays.

In Montana, Canyon Ferry Road Baptist Church faced election law charges after a volunteer passed out petitions to place a marriage amendment on the Montana ballot.

In Louisiana, a federal contractor ordered Calvary Chapel Church to stop feeding people left homeless by Hurricane Katrina because the group offered a voluntary prayer service and Bible study.

And the list continues. These violations of religious freedom are becoming more frequent because our government is sanctioning this type of discrimination against people of faith.

Religious liberty does not simply mean allowing people to attend a worship service. It protects the fundamental right to—live all aspects of our lives in a way that is consistent with our religious beliefs.

Religious freedom, often referred to as our “first freedom,” is one of the bedrocks on which American ideals are built. Our Founding Fathers knew a country could not flourish without defending this fundamental truth.

Thomas Jefferson emphasized the value of freedom of conscience when he stated that “no provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority.”

Throughout our history, Americans have been able to freely choose and live out their faith, abiding by conscience in their day-to-day lives.

Yet, through the mandate, this administration is now telling Christian business owners to check their faith at the door and comply. And which agency will be tasked with ensuring that businesses comply with the mandate? None other than the IRS, which has already admitted to targeting organizations for their beliefs.

In the 11th District of North Carolina, my constituents continue to voice their concerns to me about these dangerous infringements on religious liberty. They want to ensure that our fundamental freedoms are protected, not trampled on by our government.

Our heritage, from the Mayflower until today, has been rooted in protecting our religious freedoms. [William Brewster]

This administration’s decision to disregard our fundamental right to religious liberty cannot be ignored.

Mr. FORTENBERRY. What a powerful and beautiful story you shared with us. I had no idea about your family being one of the founding families of this country. And now 13 generations later, you stand here with the mantle of authority now on your shoulders directing the policies of the state. That has to be very gratifying and a proud moment for your entire family, but it is also proud for me to know because I consider us to be good friends. Thank you so much for your candor.

I now recognize my friend, the gentleman from Kansas (Mr. HUELSKAMP) for a few thoughts on the subject. Thank you as well for your tireless and strong leadership on the fundamental principles of protecting that which is necessary for all of us to understand at the core, where our liberty comes from.

Mr. HUELSKAMP. Thank you, Congressman FORTENBERRY. It is a pleasure to be here. I will warn you, as I will warn those who are listening. I’m going to try to be frank. And obviously, short, candid and truthful. But I think it may be uncomfortable to hear what is happening.

Simply put, the HHS mandate is a religion tax. You heard me right. If you morally or ethically disagree with the abortion, drugs, contraception, sterilization, it doesn’t matter, under the President’s health care plan, you will pay for it for your employees, for your family, and for yourself even if you don’t want it. If you dare to follow your conscience and actually practice your faith and refuse to participate, you will be fined. You will be taxed. You will be forced to give your hard-earned money to Washington, even if you morally disagree.

That, my fellow Americans, is a religious tax; a faith tax; a tax on conscience; a tax on our freedom of religion. It’s a shocking attack on that most right in our fundamental principle of freedom to believe in and follow the God we choose. As of now, there have been 31 lawsuits by nonprofits filed over the HHS mandate, another 30 lawsuits filed by for-profit. These include hospitals, businesses, charities, religious colleges, Catholic dioceses, and many others. Let me illustrate the impact, particularly with Catholic services.

One in six patients in America are treated in Catholic hospitals. Catholic Charities, for example, which cares for 334 orphanages, feeds millions of Americans each year, serves thousands of our homeless each year, and the mandate punishes these individuals for feeding the homeless, takes away help for the sick, starves the hungry, and punishes the entrepreneur. Since the initial announcement, the administration has issued multiple updates claiming to modify the mandate. These are simply deceitful smoke screens. And even if some accommodation did exist in the language, the First Amendment is to be protected, not accommodated.

It’s kind of like accommodating our freedom of speech by saying you use your freedom of speech on Sunday, Monday, and Tuesday, but Wednesday, Thursday, Friday, and Saturday, that’s probably not permitted. We should ask ourselves: How can the beacon of freedom known as America become home to religious intolerance on such a massive scale?

Frankly, there is a war on religious liberty in this country, and there is no one to ride in defense. It is up to us. We must be ever-vigilant in defense of our God-given rights. We must be ever-vigilant in safeguarding the protections in law for those rights. We must be ever-vigilant in standing for that first right of that First Amendment, religious liberty.

Thank you for your leadership, Congressman.

Mr. FORTENBERRY. Thank you, Congressman HUELSKAMP. I know you have to run. We are very grateful you were willing to share those powerful sentiments tonight.

I turn now to Congressman JIM JORDAN of Ohio, a former national championship wrestler in college, who now wrestles with some of the toughest issues right here on the House floor.

Mr. JORDAN. I thank the gentleman for yielding, and thank you for your leadership on this most fundamental, most basic issues of the American people.

You think about the folks who started this place, this experiment in freedom we call America. In Europe they said you have to do things a certain way. And they said, No, we don’t, and we’re willing to risk it all. We’ll get on a boat and risk everything and practice our faith the way we think the good Lord wants us to. And they did. They risked everything to come here for that fundamental principle.

This experiment in freedom we call America, the greatest nation in history, was founded on that simple, yet basic, yet profound principle.

The document that started it all—it’s probably been talked about, I haven’t been here for the whole hour—but the document that started it all, the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights.

The document that started this experiment in freedom started with this simple, but profound principle, and that’s where we derive our rights from. Not gifts from government, not grants from government, but gifts from the Creator. Gifts from God. And here’s why this is so important: because this attack on this basic and most fundamental right needs to be protected.

Think about what we are witnessing in this country today regarding so many of your liberties. Start with the one we are talking about tonight, the most basic, your First Amendment right to practice your faith the way you think the good Lord wants you to. There is an attack on our First Amendment religious liberty rights. But there
is also a First Amendment attack on freedom of the press. We now know that what this Justice Department did relative to Mr. Rosen, First Amendment attack on freedom of the press. There is a violation, an attack on your First Amendment rights to free speech, political speech, as evidenced by the IRS issue. There are attacks on your Second Amendment rights. And as we just learned this past week, potentially your Fourth Amendment rights to be free from unreasonable search and seizure.

So this is critical because this is the issue that started it all, but it's also critical when viewed in context, when viewed in the overall attack on freedom, the overall attack on the Constitution, the overall attack on the Bill of Rights. And that's why I applaud the gentleman from Nebraska for his leadership, and as he well said, the gentleman from Illinois (Mr. Lipinski) on the other side of the aisle, who understand these principles of our freedoms, and how central they are to the American experience and to what we call the United States of America.

Mr. FORTENBERRY. Thank you so much, Congressman JORDAN, for your thoughtful words and your powerful presentation. Thank you for your tireless leadership on this and so many other issues. Thank you for coming tonight.

I think it is most appropriate that the gentlewoman from Tennessee (Ms. Black) gets to close the hour. DIANE BLACK is the primary author of the Health Care Conscience Rights Act. We have been proud to stand in partnership with you as you've taken the lead on this term, this Congress.

Mrs. BLACK. I thank you the gentleman from Nebraska for yielding. I'm getting a signal from Mr. Speaker that I have 1 minute left, so I'm going to reserve what I've written up, and just talk very briefly about what my colleagues have addressed up to this point in time.

The bill that we are talking about, the Health Care Conscience Rights bill, would simply take us back to where we were before a decision was made by Ms. Sebelius to change the way in which we have operated in this country now for over 235 years. All we're asking is to take us back to where our Founding Fathers had us from the beginning, as has just been talked about by Mr. JORDAN, that these founding principles of this country where people came here to be able to practice their deeply held beliefs without having government intrusion.

This is so important for the American people to understand, that this is not about the issues that sometimes are talked about from the other side about birth control. This is about religious freedom, and I thank the gentleman for leading this hour this evening. We will have many more conversations.

Once again, thank you for being a leader in this arena.

Mr. FORTENBERRY. Thank you, Congresswoman BLACK. We are so grateful for your leadership.

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

RECESS

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

Accordingly (at 8 o'clock and 50 minutes p.m.), the House stood in recess.

□ 0300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Sessions) at 3 a.m.

REPORT ON RESOLUTION PROVIDING FOR THE VIDEODIZATION OF H.R. 1960, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 113–118) on the resolution (H. Res. 280) providing for further consideration of the bill (H.R. 1960) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute a.m.), under its previous order, the House adjourned until today, Thursday, June 13, 2013, 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:


1805. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — United States Standards for Grades of Almonds in the Shell [Docket No.: AMS-FV-12-0006; received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1806. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruits, Tangerines, and Tangelos Grown in Florida; Redistricting and Reapportionment of Grower Members, and Changing the Qualifications for Grower Membership on the Citrus Administrative Committee [Docket No.: AMS-FV-11-0076; FV11-905-1 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1807. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Modification of the Assessment Rate for Fresh Pears [Doc. No.: AMS-FV-12-0031; FV12-927-2 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1808. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Increased Assessment Rate [Doc. No.: AMS-FV-12-0030; FV12-927-1 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1809. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Pears Grown in Oregon and Washington, Modification of the Assessment Rate for Fresh Pears [Doc. No.: AMS-FV-12-0030; FV12-927-1 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1811. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-12-0035; FV12-987-1 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1812. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Irish Potatoes Grown in Colorado; Decreased Assessment Rate [Doc. No.: AMS-FV-12-0043; FV12-948-1 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1814. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Cassavas and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessments Rate [Doc. No.: AMS-FV-12-0038; FV12-906-1 FR] received May 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.
1815. A letter from the Principal Deputy Assistant Secretary, Reserve Affairs, Department of Defense, transmitting modernization priority assessments for the National Guard Universal Equipment Report for Fiscal Year 2013; to the Committee on Appropriations.

1816. A letter from the Attorney, Bureau of Consumer Financial Protection, transmitting the Bureau’s final rule — Loan Origination Compensation Requirements Under the Truth in Lending Act; Prohibition on Financing Credit Insurance Premiums; Delay of Effective Date (Docket No.: CFPB-2013-0013) (RIN: 3170-AAZ7) received June 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


1818. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department’s final rule — Final Flood Elevation Determinations (Kenai Peninsula, Alaska) (Docket No.: FEMA-2013-0002) received June 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1819. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, “Workplace Wellness Report to Congress”; to the Committee on Energy and Commerce.

1820. A letter from the Agency for International Development, transmitting a formal report to Congress report GAO-13-310; to the Committee on Foreign Affairs.


1822. A letter from the Secretary, Department of Agriculture, transmitting the Department’s semiannual report from the office of the Inspector General for the period ending March 31, 2013; to the Committee on Oversight and Government Reform.

1823. A letter from the Secretary, Department of Education, transmitting the Department’s fiscal year 2012 annual report prepared in accordance with Section 205 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No PEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1824. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1825. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.


1828. A letter from the Secretary, Department of Treasury, transmitting the Department’s semiannual reports from the Treasury Inspector General and the Treasury Inspector General’s report to the committee on Oversight and Government Reform.

1829. A letter from the Assistant General Counsel, Congressional Relations, Ethics, and Regulations, Department of the Treasury, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.


1833. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department’s In- dustrial Contracts Management Response for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.


1835. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department’s In- dustrial Contracts Management Response for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.


REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred to the Committee of the Whole House on the State of the Union:

By Mr. MILLER of Florida: H.R. 2327. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Veterans Economic Opportunity Administration, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. ROGERS of Michigan (for himself, Mr. BLACK, Mr. ROY, Mr. HAWES, Mr. REED, Mr. BLACKHURST, Mr. ROE of Tennessee, Mr. Kinzinger of Illinois, Mr. DUFFY, Mr. CLAY, Mr. HARRIS, Mrs. BACHMANN, Mr. DUNCAN of South Carolina, Mr. CASSIDY, Mr. PALAZZO, Mr. CONWAY, Mr. DENT, Mr. WOMACK, Mr. GRIFFITH of Virginia, Mr. BISHOP of Georgia, Mr. BURGESS, Mrs. CAPPITTO, Mr. GINGRICH of Georgia, and Mr. YOUNG of Ohio): H.R. 2328. A bill to amend title XXV of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance brokers; to the Committee on Energy and Commerce.

By Mr. SMITH of Nebraska (for himself, Mr. SAM JOHNSON of Texas, Mr. NUNES, Mr. TIBERI, Mr. ROY, Mr. PRICE of Georgia, Mr. SCHOCK, Mrs. BLACK, Mr. REID, Mr. YOUNG of Indiana, Mr. KELLY of Pennsylvania, Mr. BIGGERT, Mr. WELCH, Mr. MOORE, Mr. HALL, Mr. ALEXANDER of Missouri, Mr. BUTLERFIELD, Mrs. CAPP, Mr. GUTHRIE, Mr. TIBERI, Mr. COTULAN of California, Mr. TAYLOR of Nevada, Mr. SCHIFF, Mr. MURCIA, Mr. JOHNSON of Kentucky, Mr. MATHENY, Mr. GADDAWS, Mr. GIBBS, Mr. SCHWEITZER, Mr. BISHOP of New Mexico, Mr. ROGERS of Texas, Mr. SMITH of New York, Mr. ROHRABACHER of California, Mr. SCHWARTZ of Pennsylvania, Mr. BUSTEYER, Mr. CULBERTSON, Mr. ROSE, Mr. LOVE, Mr. SACCO of New Jersey, Mr. BUCY, Mr. HEGARTY of Maine, Mr. DAVIS of Indiana, Mr. YOUNT of Tennessee, Mr. HUFF of Kentucky, Mr. CHALK, Mr. BIGGERT, Mr. CHRISTENSEN of Utah, Mr. HUMMER of Arizona, Mr. JOHNSON of Illinois, Mr. GUTHRIE of Oklahoma, Mr. KNUTSEN of Minnesota, Mr. BURKETT of Idaho, Mr. TAYLOR of California, Mr. ROHRABACHER of California, Mr. FLORES of Texas, Mr. ADAMS of South Carolina, Mr. SPENCE of Alabama, Mr. HUMMEL of New Hampshire, Mr. BICKLER of Vermont, Mr. SIFERT of New Mexico, Mr. MARINO of Pennsylvania, Mr. GREGG of Kentucky, Mr. MURPHY of Wisconsin, Mr. VANN of South Carolina, Mr. CHRISTENSEN of Idaho, Mr. SMITH of Nebraska, Mr. BISHOP of Tennessee, Mr. SMITH of Georgia, Mr. HOFF, Mr. GOSKIN of Kansas, and Mr. ROY of New Mexico): H.R. 2329. A bill to amend title XVIII of the Social Security Act to provide for a maximum period of 2 years for submissions of Medicare part B claims originally submitted by hospitals as Medicare part A claims and of 60 days for certain such submissions for one-day stays; and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRIKIS (for himself, Mr. BUTTERFIELD, Mrs. CAPP, Mr. GUTHRIE, Mr. TIBERI, Mr. MEEHAN, Mr. SCHMITT of Wisconsin, Mr. GROLACH, Mr. FUZIENZA of Michigan, and Mr. MESSNER):
By Mr. POLIS (for himself and Mr. LATHAM):
H.R. 2330. A bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and high-ability learners by empowering the Nation's teachers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Science, Space, and Technology, 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. POLIS:
H.R. 2339. A bill to facilitate affordable workforce homeownership in, and develop the full-time resident communities of, high-priority rural areas of the United States; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY (for himself, Mr. FOREST, and Mr. DAUGHERTY):
H.R. 2340. A bill to amend title 23, United States Code, to require the Secretary of Transportation to make available to the Internal Revenue Service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROONEY (for himself, Mr. BILIRAKIS, Mr. BARBER, and Mr. SCHADLER):
H.R. 2341. A bill to amend the Fair Labor Standards Act of 1938 to strengthen the protections relating to child labor to the Committee on Education and the Workforce.

By Ms. SCHWARTZ (for herself, Ms. FUDGE, Mr. BLUMENAUER, and Ms. PINGREE of Maine):
H.R. 2343. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mr. SESSIONS (for himself and Mr. THOMPSON of California):
H.R. 2344. A bill to direct the Secretary of Defense to carry out a pilot program for investigative treatment of members of the Armed Forces suffering from traumatic brain injury and post-traumatic stress disorder; to the Committee on Armed Services.

By Mr. TURNER:
H.R. 2345. A bill to amend title 5, United States Code, to prohibit the transfer or reprogramming of discretionary appropriations made available to the Internal Revenue Service, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and Appropriations, 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 Ms. FOXX:
H. Res. 257. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. ESTY:
H. Res. 258. A resolution providing for the consideration of the bill (H.R. 1565) to protect Second Amendment rights, ensure that all individuals who should be prohibited from buying or possessing firearms are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process; to the Committee on the Judiciary.

By Mr. HONDA (for himself and Mr. BERIA):
H. Res. 259. A resolution recognizing the 100th anniversary of the founding of the Ghadar Party in the United States; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-
tives, the following statements are sub-
mitted regarding the specific powers granted to Congress in the Constitu-
tion to enact the accompanying bill or joint resolution.

By Mr. MILLER of Florida:
H.R. 2327. Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the Constitution of the United States.

By Mr. ROGERS of Michigan:
H.R. 2328. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 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.

Article I, Section 8, Clause 3 of the Constitution, which states “To make all Laws which shall be necessary and proper in the Government of the United States or in any Department or Officer thereof.”

By Mr. SMITH of Nebraska:
H.R. 2329. Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. BILIRAKIS:
H.R. 2330. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 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.

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. KILMER:
H.R. 2332. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3: The Congress shall have Power to control Foreign Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BEN RAY LUIJÁN of New Mexico:
H.R. 2334. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 8: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,

By Mr. LARSEN of Washington:
H.R. 2335. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the Constitution of the United States, and provide a responsible and consistent background check process; to the Committee on the Judiciary.

By Mr. PEARCE:
H.R. 2336.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

Tribes; as enumerated in Article I, Section 8, Clause 18 of US Constitution, to make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers vested in Congress.

Article 1, Section 8, clause 1 (relating to the power of Congress to provide for the general welfare of the United States); and Article I, section 8, clause 1 (relating to the power to regulate interstate commerce).

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Murphy of Pennsylvania and Mr. Kelly of Pennsylvania.
H.R. 127: Mr. Duncan of South Carolina.
H.R. 139: Mr. Watson of South Carolina.
H.R. 198: Mr. Takano.
H.R. 217: Mr. Perry.
H.R. 223: Mr. Van Hollen.
H.R. 318: Mr. Nugeorge.
H.R. 333: Ms. Sinema and Mr. Keating.
H.R. 343: Mr. Latham.
H.R. 352: Mr. Wilson of South Carolina, Mr. McKinley, Mr. Mulleney, Mr. Barton and Mr. Chabot.
H.R. 367: Mr. Brady of Texas.
H.R. 437: Mr. Tanaka and Ms. Sha-Porter.
H.R. 460: Mr. Braley of Iowa and Mr. Bishop of Georgia.
H.R. 461: Mr. MucDermott.
H.R. 467: Mr. Roe of Tennessee.
H.R. 501: Mr. Grijalva.
H.R. 503: Mr. Nungeorge.
H.R. 508: Mr. Perry.
H.R. 526: Mr. Connolly.
H.R. 543: Mr. Neal, Mr. Ellison and Mr. Hastings of Florida.
H.R. 596: Ms. Brownley of California and Mr. Steward.
H.R. 647: Mr. Huizenga.
H.R. 649: Mr. Grayson.
H.R. 666: Ms. DelBene.
H.R. 685: Mr. Smith of Nebraska, Mr. Lum, Ms. Messer and Mr. Kinzinger of Illinois.
H.R. 693: Ms. Titus and Mr. Smith of New Jersey.
H.R. 698: Mr. Takano.
H.R. 712: Mr. Larson of Connecticut.
H.R. 742: Mr. Hastings of Florida.
H.R. 763: Mr. McKinley, Mr. Gomert, Mr. Gary G. Miller of California, Mr. Lamborn, Mr. Bentivolio, and Mr. Williams.
H.R. 778: Mr. Rosekam.
H.R. 813: Ms. Sinema.
H.R. 867: Mr. Schuck.
H.R. 900: Ms. Lee of California.
H.R. 903: Mr. Walberg and Mr. Griffin of Arkansas.
H.R. 904: Mr. Sarbanes, Mr. Costa, and Mr. Amodei.
H.R. 958: Mr. Israel.
H.R. 984: Mr. Larsen of Washington.
H.R. 1014: Mr. Nugent and Mr. Gibson.
H.R. 1024: Mr. Roden Davis of Illinois, Mr. Griffin of Arkansas, Mr. Castwright, Mr. Perry and Mr. Brady of Pennsylvania.
H.R. 1078: Mrs. Lummis.
H.R. 1126: Mrs. Lummis.
H.R. 1129: Mrs. Lockhuck.
H.R. 1146: Mr. Bahr.
H.R. 1148: Mr. Womack.
H.R. 1151: Mr. Gene Green of Texas and Mr. Mulleney.
H.R. 1155: Mrs. Miller of Michigan.
H.R. 1175: Ms. Sha-Porter.
H.R. 1187: Ms. DeLauro, Ms. McCollum, Mr. Waxman, Mr. George Miller of California, Ms. Velazquez, Ms. Schakowsky, Mr. Lowey, and Ms. Schwartz.
H.R. 1205: Mr. Buchanan.
H.R. 1250: Mr. Hinojosa and Mr. Barletta.
H.R. 1252: Ms. Slaughter.
H.R. 1262: Mr. Welch.
H.R. 1274: Mr. Guthrie.
H.R. 1333: Mr. Harrier.
H.R. 1339: Mr. Lance.
H.R. 1414: Mr. Sean Patrick Maloney of New York, Mr. Keating, Mrs. Davis of California, and Mr. Lowey.
H.R. 1416: Mr. Gingrey of Georgia.
H.R. 1455: Ms. Clarke.
H.R. 1489: Mr. Issa.
H.R. 1494: Mr. Barr.
H.R. 1518: Mr. Israel and Mr. Foster.
H.R. 1583: Mr. Rush, Mr. Kinzinger and Mr. McKeough.
H.R. 1595: Mr. Sean Patrick Maloney of New York and Ms. Hahn.
H.R. 1630: Mr. Barr.
H.R. 1684: Mr. Peters.
H.R. 1652: Ms. DeFazio, Ms. Velazquez, Mr. Cleaver, and Ms. Clarke.
H.R. 1699: Mr. Ellison and Mrs. Lowey.
H.R. 1717: Mr. Paulsen and Ms. Kaptur.
H.R. 1726: Mr. McCaul, Mr. Hastings of Florida, Ms. Ros-Lehtinen, and Ms. Wasserman Schultz.
H.R. 1737: Mr. Cardenas.
H.R. 1755: Mr. Pastor of Arizona.
H.R. 1771: Mr. Conaway, Mr. Meek, Mr. Pearce, Mr. Westmoreland, and Mr. Vargas.
H.R. 1772: Mr. Bachus.
H.R. 1786: Mrs. Hartzler, Mrs. Kuster, Mr. Hastings of Florida, and Mr. Fortenberry.
H.R. 1796: Ms. Kelly of Illinois, Mr. O’Rourke, Mr. Kind, Mr. McGovern, Mr. Murphy of Florida, and Mr. Ryan of Ohio.
H.R. 1797: Mr. Casas, Mr. Sanford, Mr. Culberson, Mr. Rice of South Carolina, Mr. Wolf, Mr. Graves of Missouri, Mr. Wittman, Mr. Smith of Missouri, and Mr. Poe.
H.R. 1801: Ms. Wasserman Schultz, Mr. Carney, Mr. Takanu, and Ms. Titus.
H.R. 1825: Mr. Pearce and Mr. Reichert.
H.R. 1826: Mr. Hunter, Mr. Messers and Mr. Kinzinger of Illinois.
H.R. 1829: Mr. Bucshon.
H.R. 1839: Mr. Duckworth, Mr. Rooney Davis of Illinois, and Mr. Gene Green of Texas.
H.R. 1845: Mr. Cummings.
H.R. 1846: Mr. King of New York.
H.R. 1852: Ms. Sinema, Mr. Radcliffe, Mr. Reed, Ms. Shea-Porter, and Ms. Jenkins.
H.R. 1857: Mr. Holt.
H.R. 1864: Mr. Keating, Mr. Heck of Washington, Mr. Shuster, Mr. Nadler, Mr. Grijalva, and Mr. Amodei.
H.R. 1869: Mrs. Hartzler and Ms. Brownley of California.
H.R. 1871: Mrs. Hartzler and Mr. McClintock.
H.R. 1882: Mr. Perry.
H.R. 1885: Mr. Langevin.
H.R. 1908: Mr. Messer.
H.R. 1921: Ms. Schwartz.
H.R. 1945: Ms. Gabbard and Mr. Payne.
H.R. 1961: Mr. Luetkemeyer.
H.R. 1971: Mr. Kildey, Mr. Nugeent, Mr. Schrader, and Mr. Gene Green of Texas.
H.R. 2000: Mr. Tieney, Mr. McGovern, Mr. Van Hollen, and Mr. Quigley.
H.R. 2002: Mr. Nadler.
H.R. 2009: Mr. Serrinbrener, Mr. Rothfus, Mr. Dejahalns, and Mr. Wiestrunk.
H.R. 2019: Mr. Williams, Mr. Smith of Texas, Mr. Benishke, Mr. Cuellar, and Mr. Paulsen.
H.R. 2020: Mr. Sean Patrick Maloney of New York, Mr. Doggett, Mr. Waxman, and Mr. Huffman.
H.R. 2022: Mr. Jones.
H.R. 2026: Mr. Butterfield, Mr. Gohmert, Mr. Aderholt, Mr. LaVala, Mr. Southerland, Mr. McKinley, Mr. Griffin of Arkansas, Mr. Gosar, Mr. Womack, and Mr. Daines.
H.R. 2027: Mr. Bucshon.
H.R. 2041: Mr. Latham.
H.R. 2045: Mr. Roe of Tennessee and Mr. Pearce.
H.R. 2066: Ms. Titus.
H.R. 2097: Ms. DeGette and Mr. Murphy of Pennsylvania.
H.R. 2080: Mr. George Miller of California.
H.R. 2089: Mr. Radel.
H.R. 2093: Mr. Marchant, Mr. Mulvaney and Mr. Womack.
H.R. 2125: Mr. Rothfus and Mr. Jones.
H.R. 2138: Mr. Issa and Mr. Rothfus.
H.R. 2162: Mr. Pearce.
H.R. 2164: Mr. Miller of Florida, Mr. Latta and Mr. Forbes.
H.R. 2166: Mr. McDermott.
H.R. 2186: Ms. Eshoo.
H.R. 2190: Mr. Mulvaney, Mr. Issa, Mr. Roe of Tennessee, Mr. Wilson of South Carolina, Mr. Olson, and Mrs. Bachman.

H.R. 2240: Mr. Moran, Mr. Grijalva, Mr. Hanrahan, Mr. Connolly, Mr. Perdue, Mr. DesJarlais, Mr. Roe of Tennessee, Mr. Wilson of South Carolina, Mr. Olson, and Mrs. Bachman.

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 Howard P. “Buck” McKeon to H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.
The Senate met at 9:30 a.m. and was called to order by the Honorable William M. Cowan, a Senator from the Commonwealth of Massachusetts.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Strong Deliverer. You are our strength and shield. Use Your powerful arms to help those in need and to prepare us to be instruments of Your purposes. Lord, listen to our longings and hear our cries as we intercede for this land we love. Bring to America the righteousness that exalts nations as You lead us away from those sins that bring reproach to any people. Use our lawmakers in this endeavor so that they will plant seeds that will produce a moral and ethical harvest. May their lives provide exemplary models of moral excellence so that people can see their ethical congruence. Teach them to hate pride and deceit as they strive to treat others as they want others to treat them.

We pray in Your sacred Name. Amen.

The President pro tempore (Mr. Leahy).

Mr. COWAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans the final half.

Following morning business the Senate will resume consideration of S. 744, which is the immigration bill. Today we will work through amendments on the bill. Senators will be notified when votes are scheduled.

IMMIGRATION REFORM

Mr. REID. Mr. President, last night the Senate advanced a bipartisan immigration reform bill that will be good for national security and very good for our economy. It will be good for American citizens as well as those who aspire to one day become citizens.

It is truly gratifying to see the momentum behind this commonsense reform proposal. Eighty-four Senators voted to adopt the motion to proceed to this legislation—a very strong vote. By comparison, the Senate failed to advance an immigration reform bill just 6 years ago when only 46 Senators voted to end debate on that measure.

It is a sign of progress that the legislation now before the Senate has not been stopped procedurally. I hope we are allowed to proceed on this legislation without being blocked by some arcane Senate rule and that we can finish this legislation and send it to the House of Representatives.

I applaud the Gang of 8 for their bipartisan proposal. That is how the Senate used to work. They worked hard. They have worked through hundreds of different proposals. After the Gang of 8 finished their work, they took it before the Judiciary Committee. There were over 100 amendments—many more than 100 amendments. They adopted 46, and some of those amendments were Republican amendments that were adopted. Chairman LEAHY conducted a fair markup, and no one disputes that. So I commend the Gang of 8 for allowing the bill to get to the Judiciary Committee, and I thank the Judiciary Committee for now giving us this proposal and bringing it to the floor, and now Democrats allowing us to proceed on this legislation, as well as Republicans.

Our goal now is to pass the strongest legislation possible, with as many votes as possible, while staying true to our principles, then await what the House is going to do. The Speaker has said he wants a bill that will allow the Democrats to vote. That is good news because in the House, for the last two Congresses, there have been very few opportunities for the Democrats to vote on substantive legislation.

The Speaker has said he will only allow legislation to pass over there that has a majority of the majority. That means only Republicans. If they don’t have enough Republican votes, they are not going to bring up a bill for a vote. So I am very pleased the Speaker would say that. It is important we understand the procedure we have used for 230-plus years in this body: We pass something here, they pass something in the House, we go to conference and work out our differences.

So I understand we have a long road before us and more work will be necessary to get this bill across the finish line. I truly understand that. I know some of my Republican colleagues will...
support this bill if they feel confident what is in the bill adequately addresses the need to secure our borders. I agree the legislation focused on border security a lot. I think that is important, and I am glad it did.

Reform that takes significant steps to stop illegal crossings is important, and reform that does not take significant steps to stop illegal crossings will fail. That is why I so admire what was done by the Gang of 8 and the Judiciary Committee in regard to that issue. They did done a terrific job on border security.

We should all also acknowledge the progress the Obama administration has already made to secure our borders. Illegal border crossings are down 80 percent. That is no small accomplishment. Yesterday I received a letter from my colleagues, the chairman of the Judiciary Committee PAT LEAHY, and the chairman of the Homeland Security Committee Tom CARPER, detailing the tremendous strides we have made toward a more secure border.

As described by the Wall Street Journal, illegal entries nationwide are at a four-decade low. We have less crossings now than we had at any time during the last 40 years, and the number of illegal entrants who sneak into the country through the southern border and successfully elude law enforcement—so-called “got aways”—is what they are called—is down 86 percent. Smarter technology, physical barriers, and doubling the number of agents on the border have made this achievement possible.

We must ensure those who come to America seeking a better life do so in compliance with our laws. The measure before the Senate builds on the progress we have made by allocating even more resources for border security infrastructure, and that includes patrol bases, unmanned vehicles—yes, drones—helicopters, fixed-wing aircraft, sensors, x-rays, cameras, and more. The legislation also increases additional funding for the prosecution of those who are caught crossing illegally.

The legislation also establishes two strict but attainable statutory border security goals: to prevent 90 percent of illegal entries and to monitor the entire southern border, not just high-risk sectors of the border. Chairman LEAHY and Chairman CARPER agreed in their letter that this legislation will reduce illegal entries by reforming our legal immigration system.

This legislation will make it virtually impossible for undocumented people to work, so they will no longer have an incentive to enter illegally.

This is what my two colleagues said in their letter:

We need to stop focusing our attention on the symptoms and start leading with the underlying root causes of illegal immigration in a way that is both practical, and ideal.

That says it all. This bill does that.

There is one thing this bill does not and should not do: It does not and should not make the path to citizenship contingent on attaining border security goals that are impossible to measure. That would leave millions who aspire to become citizens in indefinite limbo. We have to move past this.

Six years ago we tried to do something about it and the situation only got worse. This legislation is critical. If we made those goals impossible, the legislation would be a failure. This would give opponents of citizenship in the Senate an opportunity to prevent our border security goals from being achieved and to let illegal entrants into citizenship. I am concerned that some who oppose the very idea of reform see these triggers as a backdoor way to undermine the legislation, and we must be very careful in recognizing that people are trying to do that with this legislation now before this body. I believe some Republicans with no intention of voting for the final bill—no intention, regardless of how it is amended—seek to offer amendments with the sole purpose of delaying passage of this legislation. I commend Senators—Democrats and Republicans—who sincerely want to make this proposal stronger by enhancing its border security provisions. So I look forward to hearing ideas over the next few days on amendments ideas to make our country safer and more secure. If that is the intent, we will certainly look at it, and I hope we can move forward as expeditiously as possible.

I am glad colleagues, both Democrats and Republicans, are engaged in this debate and are interested in offering amendments, but I hope those amendments will be constructive in nature. We have come too far and the country needs this legislation too badly to lose sight of our purpose now.

As Martin Luther said, “Everything that is done in the world is done by hope.” There is no better example of that than this legislation because hope is what it is all about. As Martin Luther King said, “If it is done in the world is done by hope,” and I certainly believe that regarding this legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore, The Republican leader is recognized.

KENTUCKY BUS ACCIDENT

Mr. MCCONNELL. Mr. President, I wish to send my sympathies to the many families in Kentucky affected by a terrible bus accident that occurred yesterday afternoon. A group of Waggener High School students were returning to Louisville after a visit to Eastern Kentucky University when their bus crashed on Interstate 64. Of the 42 people on board, 34 were taken to area hospitals. Thankfully, news sources report no loss of life. I am going to continue to closely follow the details of this accident.
to justify a power grab to fundamentally change the Senate.

At the beginning of each of last two Congresses, we have had this discussion at length. At the beginning of the previous Congress, here is what the majority leader said back in January of 2011. He said:

I agree that the proper way to change Senate rules is through the procedures established in those rules, and I will oppose—

"I will oppose," he said. This is January of 2011.

Now my friend the majority leader would not consider other resolutions relating to any standing order or rules Congress unless they went through the regular order process?

We had just done that. We followed the regular order, and we passed two rules changes and two standing orders.

The majority leader said:

That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration of all options.

Now, that was not a promise made based on the majority leader's view of good behavior. But, of course, by any objective standard, there has not been any bad behavior anyway, even if that would justify breaking a commitment that was not contingent.

Now my friend the majority leader has taken to kind of leaving the floor in the hopes that somehow this would go away if only he were not here. What will not go away is the unequivocal promise made at the beginning of this Congress so we would know what the rules were for the duration of this Congress.

I think colleagues on both sides of the aisle have a right to know whether the commitment made by the leader of this body—the leader of the majority and this body—is going to be kept.

That is the only way we can function. In fact, except for these periodic threats by the majority leader to break the rules of the Senate in order to change the rules of the Senate, we have been operating much better this Congress than in recent previous Congresses. Bills have been open for amendment. We have been able to get them to pass. They have been bipartisan in large measure.

The Senate these days is not broken. It does not need to be fixed. If your judgment to fix the Senate is to keep a commitment you made at the beginning of the year, that will not go away. I am going to bring this up every morning, and the majority leader not being here or not responding does not make it go away. What my colleagues in the minority have on their minds is whether the commitment will be kept, and at some point the majority leader is going to have to answer that question because it is not going away.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 15 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Maryland.

ASIAN POLICY

Mr. CARDIN. Mr. President, this past weekend President Obama met with President Xi of China in California for a summit meeting between the two leaders. It was an opportunity for a personal relationship between the leader of China and the leader of the United States in order to improve the trust between the two countries.

China is important to the United States, China, as we know, is a permanent member of the Security Council of the United Nations—a key player in developing international policies that are important to the United States and global stability, influential in the policies concerning North Korea and Iran. China is a key trading partner of the United States. We know the amount of products that go back and forth between China and the United States.

President Obama has correctly identified Asia as a region of particular interest. He has rebalanced Asian policy because of the importance of Asia to the United States. We are a Pacific power, and Asia is critically important for regional security as well as for global security.

I have the opportunity of chairing the Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee. In that capacity, 2 weeks ago I visited China, the Republic of Korea, and Japan.

In China, I was able to observe firsthand the progress that is being made in that country and the key players in the Chinese Government. I did see much progress. I saw economic change in China as to how they are becoming a more open society from the point of view of entrepreneurship. I saw rights that have been advanced. People to have more freedom than they had several decades ago.

I saw an opportunity where the United States and China could build a stronger relationship between our two countries. It starts with building trust. There is a lot of mistrust out there. That is why I was particularly pleased about the summit meeting this past weekend. We have common interests. China is critically important to the United States on making sure the Korean Peninsula remains a nonnuclear peninsula. China has tremendous impact over North Korea and does not want to see North Korea continue its ambition to become a nuclear weapon power. They can help us in resolving this issue, hopefully in a way that will help us in a peaceful manner.

I could not help but observe when I was in Beijing that China has a huge environmental challenge. The entire time I was there, I never saw the Sun, and when I was in Hong Kong, it was because of pollution, which is common in Beijing. It is not only a problem that China needs to deal with, it is a political necessity. The people of China know that their air is dirty. Here is an opportunity for the United States, working with China—the two large emitters of greenhouse gases—for them to come together and show international leadership by what we can do in our own countries to encourage progress but also international progress on this issue.

While I was in China, I had a chance to advance areas of concern. I want to talk about that. Our security interests with China go toward their military, yes, but also go toward their economic conditions and their respect for human rights. I raised throughout my visit to China my concern, and I think America's concern—the international concern—about China recognizing universally accepted human rights. The right to dissent is not there in China. Civil rights lawyers can lose their license to practice law and can be physically intimidated if they are too aggressive in representing those who disagree with government policies.

China has a policy to this day of detaining people, putting them in prison for their "misbehaving." That could be for up to 4 years without trial and without being questioned as to why they are being detained, solely because
they disagree with the government's policy.

If you are born in a community, you are registered in that community. There may not be economic opportunity there for you. You might want to move out of that community in order to explore additional economic opportunities for yourself and your family. In China that is not possible for the great majority of the people. They are registered in their community, they are expected to live in their community, and they are expected to work in that community. So you have the haves and the have nots. There are many people in China who are doing very well. The vast majority are not.

Then there is the issue of religious freedom. I think we all know about Tibet and the Buddhists in Tibet and how they have been harassed. We know about the Uighers and the Muslim community. What really shocked me was talking to the Protestants who have their own churches. They explained to me that if their churches get too big—maybe over 25 or 30 members—they lose their right to meet. The government is worried about too many people getting together to celebrate their beliefs, that certainly is unacceptable. It violates internationally recognized human rights standards.

And then they block access, full access, to the Internet. Sites such as the New York Times or Bloomberg are considered to be too difficult for the Chinese people to accept, and the government blocks those sources.

Perhaps one of the most difficult challenges China has today is that it does not trust its own people to innovate and create. Instead, they use cyber to try to steal our rights, our innovation, not just in America but throughout the world. We are very concerned about the proper use of protection of intellectual property, and I raised that during my visit to China.

We are also concerned about the cyber security issues, and I know that was on the agenda of President Obama and President Xi. We would urge progress to be made on acceptable standards on the use of cyber.

Then there is the issue of corruption. Because so much is determined by where you live and your local government, corruption is widespread. That needs to be changed.

So let me mention two important subjects that we raised in a country that is critically important to the United States, but these issues must be debated.

When President Park was here, the President of the Republic of Korea, she mentioned on the House floor to a joint session of Congress that she wants a security dialog in Northeast Asia. When I met with her when I was in Seoul, we had a chance to talk more about it. The more she talked about the security dialog, the more it reminded me of the Helsinki Commission, the Organization for Security and Cooperation in Europe, which was established in 1975 as a security dialog between all the countries of Europe, now Central Asia, the United States, and Canada.

That security dialog deals with all three baskets of concern. Yes, we are concerned about military issues. We have serious military issues that we need to take up in the northeast. Maritime security issues are very much of concern to all the countries of Northeast Asia. But we also need to deal with economic freedom and opportunity, and we need to deal with human rights.

This type of a dialog would allow us in the north to participate with the major countries in Northeast Asia to work out and know the concerns of each of the countries. It would include not just China and the Republic of Korea but Japan, North Korea, the United States, and Russia.

I would urge the region to either adopt a security dialog similar to the Helsinki process or look at becoming a partner of the Helsinki process. We do have regional forums. There is a regional forum for Asia. So it is a possibility that they could actually work under the Helsinki framework.

In my visits to Japan and the Republic of Korea, I had meetings with representatives of China. Japan, of course, is a treaty ally. We have U.S. troops both in Korea and Japan. We are working out ways to make our troop presence more effective, consistent with the political realities of the region.

Both Japan and the Republic of Korea strongly support our policies in Iran and Afghanistan and the Korean Peninsula. The relationship between these two countries must improve. There are serious issues. Of course the comfort woman issue during World War II is a matter of major concern to the Korean population. I certainly support and understand that. But it is important for those two allies of the United States to work together and to move forward in areas of mutual interest. I urge them to do that.

In Japan, I had meetings on the economic issues, on the Trans-Pacific Partnership, TPP, which clearly are areas where we can make advancements. I saw an opportunity to advance U.S. interests in the rebalance to Asia. It is not a pivot to Asia. We used that term originally. It is not. We have been active in Asia for centuries. It is a rebalance because we recognize the importance of Asia. I think we can do that by enhancing our relationship with all the countries in Asia. It is an opportunity to advance U.S. security interests through military cooperation.

I did talk about the military in China. I also talked, particularly in Japan, about more of their students coming here to the United States to advance good governance and economic relationships, and to have a responsible environmental program.

The Helsinki Commission chair has already held two hearings on the rebalance to Asia, including good governance and military issues. We are going to hold future hearings dealing with the environmental issues and economic issues.

Clearly, working with the President, I see a major opportunity to advance U.S. interests through our rebalance to Asia policies.

REMEMBERING FRANK R. LAUTENBERG

Mr. CARDIN. Mr. President, we all lost a dear friend when Frank Lautenberg passed away a little over a week ago. He was a friend, he was a colleague, he was a mentor. In the last Congress I had the opportunity to sit next to him on the Senate. Our desks were back there in the last row. I had a chance to sit next to him. I tell you—you have heard this many times—but when we had those vote-marathons Frank kept me very much engaged and shared his ability to use contemporary activities with a sense of humor kept us all going. We are certainly going to miss that humor.

I also sat next to him on the Environment and Public Works Committee. He was a fierce defender of public health and the environment. I am going to certainly miss his advocacy. He was there to protect clean air. He chaired that subcommittee and took on every special interest in order to protect our children and to protect our communities.

He was a fierce defender of the environment, recognizing we all have a responsibility to pass on the environment in a better condition to future generations.

His story is a story about the success of America. Here we have a child of an immigrant family that came to this country and started anew with virtually no resources. It is very appropriate that I am talking about Frank Lautenberg on a day in which the immigration reform bill is on the floor of the Senate.

I know if Frank were here, he would be talking about his own family and his own experiences and why the passage of this immigration bill is so important for America's future. Yes, we are going to do the right thing for the values of America, but we are also going to help America's economic future and our security in the future. He grew up in a family of poverty. His father died when he was very young. He had to make his own choice after high school but to enter the military. But he wanted to enter the military because he wanted to serve his country. So he went and served our country in World War II. As we know, he was the last surviving Member of the Senate who served in World War II. He did an incredible service to our country under extremely difficult circumstances. He came back to the United States and this country offered him the GI bill opportunity for education. But for that GI bill, Frank Lautenberg never would have had those educational opportunities. He took advantage of it and went to business.
school. He used that to develop a business that was innovative and creative. There was a need out there to deal with personal costs by businesses. Frank Lautenberg developed, with his partners, a way in which that service could be provided in the most cost-effective way.

What did that do? That made this country more efficient, more effective. What that did was create a lot of jobs for this country. It also made Frank Lautenberg a fairly wealthy person. That was one way: innovation to grow our economy, to create jobs, and to benefit by your own innovation. Frank Lautenberg took advantage of that and succeeded in a great way.

But he was not satisfied with that. He wanted to give back to his community. So he served his community. He served his community in many ways. There is a whole host of community organizations to which he provided leadership, his own personal time, in order to help people. He did that. Jewish Federation—he became a national leader there to help communities all over the world. Frank Lautenberg did that as a private citizen because he thought it was the right thing to do.

But even as we are working on immigration, of course we have to concern ourselves with a whole range of other issues. One I will speak to briefly this morning is the issue of our policies as they relate to Syria. We are confronted this morning with a headline in the Washington Post, I will hold up. It reads: "Iran On Ascent As Syria Churns." The first page of the Post, I will read the first paragraph of this story:

As fighters with Lebanon's Hezbollah movement wage battles that are helping Syria's regime survive, their chief sponsor, Iran, is emerging as the biggest victor in the wider regional struggle for influence that the Syrian conflict has become.

There is one of the reasons why I and others, for not just weeks but months now, have been urging the administration and the Congress to come together on a more focused and more effective strategy as it relates to Syria. We had a good bipartisan effort in the Foreign Relations Committee. We were able to pass out of the committee legislation that dealt with Syria that would provide a whole range of supports and efforts that will lead to a better result in Syria.

I know the White House has spent the last couple of weeks and will be spending even more time today to come up with a policy that makes sense. But I do not think we can any longer pretend this issue is not an issue that concerns our national security, because every day Iran is trying to boost Hezbollah against us. Anything that results in the regime in Iran being strengthened, as the Washington Post points to today in this story, is bad for our national security.

I hope we have a lot of work to do. Again, this should be bipartisan. But the administration needs to focus on Syria and come to a conclusion about the way forward that will be in the best interests of our national security and also in the best interests of the people of Syria who are fighting valiantly against the Assad regime.

We all agree the Assad regime should not be in power, but we can't just wish that. We will have to take the steps that will lead to that result in a concerted fashion with allies in the region.

I ask unanimous consent the story entitled "Iran on ascent as Syria churns" from the Washington Post this morning be made part of the RECORD.

There being no objection, the material was ordered to be printed, in the RECORD, as follows:

From the Washington Post, June 12, 2013

IRAN EMERGING AS VICTOR IN SYRIAN CONFLICT

(BY Liz Sly)

BEIRUT.—As fighters with Lebanon's Hezbollah movement wage the battles that are helping Syria's regime survive, their chief sponsor, Iran, is emerging as the biggest victor in the wider regional struggle for influence that the Syrian conflict has become.

With top national security aides set to meet at the White House on Wednesday to reassess options in light of recent setbacks for the rebels seeking Syrian President Bashar al-Assad's ouster, the long-term outcome of the war remains far from assured, analysts and military experts say.

But after the Assad regime's capture of the embattled strategic town of Qusair last week—a battle in which the Iranian-backed Shiite militia played a pivotal role—Iran's supporters and foes alike are mulling a new reality: that the regional balance of power appears to be tilting in favor of Tehran, with potentially profound implications for a Middle East still grappling with the upheaval wrought by the Arab Spring's revolts.

"This is an Iranian fight. It is no longer a Syrian one," said Mustafa Alani, director of security and defense at the Dubai-based Gulf Research Council. "The issue is hegemony in the region."

The ramifications extend far beyond the borders of Syria, whose location at the heart of the Middle East puts it astride most of the region's fault lines, from the Pales tinian conflict to the disputes left over from the U.S. occupation of Iraq, from the perennial sectarian tensions in Lebanon to Turkey's aspirations to restore its Ottoman-era reach into the Arab world.

An Iran emboldened by the unchecked exertion of its influence in Syria would also be emboldened in other arenas, Alani said, including the negotiations over its nuclear program, as well as its ambitions in Iraq, Lebanon and beyond.

"If Iran wins this conflict and the Syrian regime survives, Iran's interventionist policy will become wider and its credibility will be enhanced," he added.

From Iran's point of view, sustaining Assad's regime also enables its control over a corridor of influence stretching from Tehran through Baghdad, Damascus and Beirut to Maroun al-Ras, a hilltop town on Lebanon's southern border that offers a commanding view of northern Israel, according to Mohammad Obaid, a Lebanese political analyst with close ties to Hezbollah.

Iran has sought to blunt its own visible involvement in Syria so as not to exacerbate sectarian tensions that have been inflamed by a conflict pitting an overwhelmingly Sunni population against a regime dominated by Assad's minority Shiite-affiliated sect, Obaid said.

Iran has provided advice, money and arms to Assad's regime, but the manpower needed to bolster its forces in two years of trying to contain the revolt, has come from Hezbollah, which was founded in the 1980s with help from Iran's Revolutionary Guard Corps and has become Lebanon's leading military and political force.

"Hezbollah is part of the Iranian strategy," Obaid said. "This counts as a victory for the group of Iran, Syria, Iraq and Hezbollah against the group backed by the United States."
Supporters of the Syrian opposition contrast the hesitancy of the U.S. administration in offering arms to the outgunned, poorly trained and deeply divided rebels with the commitment that Iran has shown to its Damascus ally.

The U.S. goal was to pressures Assad into making concessions at the negotiating table, without resorting to a resounding military victory to the rebels that might have brought Islamists to power in Damascus, said Amr al-Azm, a history professor at Shawnee State University in Ohio who is Syrian and is active in the opposition. Instead, a proposed peace conference in Geneva seems likely to be held on Assad’s terms, should go ahead.

“Politically we’re screwed, and militarily we’re taking a pounding,” Azm said. “America talked the talk while Iran walked the walk.

This would not be the first time that Iran has outmaneuvered the United States since the Islamic revolution brought Shah chieftains to power in Tehran in 1979. But the assertion of Shiite power in Syria ranksles across the region, compounding the dangers that the Syrian conflict could provoke a wider, more confrontational war than the one currently underway, which is estimated to have killed at least 80,000 people.

Escalating violence in Iraq and growing tensions in Lebanon, whose conflicts are inextricably intertwined with the increasingly sectarian nature of the war in Syria, underscore the risk that centuries-old religious rivalries between Sunnis and Shiites will be aggravated by Iran’s role. The leading religious authority in Saudi Arabia and al-Qaeda, Ayman al-Zawahiri have in the past week called on Sunnis to volunteer to fight in Syria, marking a potentially dangerous convergence that could herald an intensified insurrection by Sunni jihadists.

SAUDI ARABIA’S ROLE

Saudi Arabia, the leading Sunni powerhouse in the region and Washington’s closest Arab ally, is unlikely to tolerate an ascendant Iran even if the United States chooses to remain aloof, said Jamal Khashoggi, director of the al-ARabia television channel.

“It is a serious blow in the face of Saudi Arabia, and I don’t think the Saudis will accept anything short of something, whether on their own or with America,” he said. “Syria is the heart of the Arab world, and for it to be officially conquered by the Iranians is unacceptable.”

One way in which Saudi Arabia could influence the outcome is by facilitating unchecked supplies of arms to the rebels, analysts say. Although the umbrella Free Syrian Army has received small quantities of weaponry from Turkey, Saudi Arabia and Qatar over the past year, the United States has seen little evidence of the flow, vetting the recipients and restricting the caliber of the weapons provided.

After videos surfaced in March of Islamist groups wielding antitank weapons funneled across the Jordanian border by Saudi Arabia, the United States imposed a freeze on all further deliveries, putting the rebels at a disadvantage just as Iran, through Hezbollah, was gearing up to rejuvenate the Assad regime’s army with reinforcements, according to rebel leaders.

A SYMBOLIC BATTLE

Military analysts caution against overestimating the impact of the rebel defeat in Qusair on what is likely to be a long and unpredictable war. The obscure western town about 16 miles inland from the heavily controlled territory in Lebanon almost certainly offered an easier conquest than other rebel strongholds, such as the city of Aleppo, where the regime is touting an imminent offensive.

The rebels are continuing to press attacks in the northern, eastern and southern provinces of the country even as the government appears to be tightening its grip on the central provinces of Damascus and Homs, raising the specter that the country will be partitioned into enclaves backed by rival Sunni and Shiite regional powers. A suicide bombing in Damascus on Tuesday highlighted the likelihood that the rebels will sustain an insurgency similar to the one that persists in Iraq even if they are defeated militarily.

The chief significance of the battle for Qusair lay in the symbolism of the role played by Hezbollah, which eliminated any doubt that the Syrian conflict has turned into a proxy war for regional influence, said Charles Lister, an analyst with IHS Jane’s defense consultancy in London.

“External actors are becoming increasingly decisive and pivotal in terms of where the conflict is going,” he said. And if the United States increased its support for the rebels, Assad’s allies would be likely to boost theirs, he added.

“The conflict has regionalized, and, unfortunately, that gives it the potential to drag on longer,” he said. “As long as one side increases its assistance, the other will see the need to do so, too.”

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Mr. CASEY. I move to the second part of my remarks, which is to talk about two of our judicial nominees who will hear you today. Both of these nominees will be voted on today to be members of the United States District Court for the Eastern District of Pennsylvania. I wish to give Senators the benefit of a little biographical background on both of them.

I will begin with Nitza Quinones Alejandro. Judge Quinones is recognized by her colleagues as being very well prepared as a judge and a conscientious judicial official who exhibits an outstanding judicial temperament and fairness.

Since 1991, Nitza Quinones Alejandro has served as a trial judge for the First Judicial District of the Pennsylvania Court of Common Pleas in Philadelphia, working on criminal and civil trials with all of the diversity, difficulty, and challenge that comes with that. She runs a good courtroom, treats lawyers and litigants fairly, and renders thoughtful decisions. She was first nominated for judicial appointment back in May of 1990 by Gov. Robert P. Casey, my father, when he was serving in office in Pennsylvania.

At the time—not quite then a judge—Judge Quinones became the first Latina judge for the Commonwealth of Pennsylvania back in the early 1990s.

Prior to her judicial appointment, Judge Quinones served as an arbitrator for the Philadelphia Court of Common Pleas from 1980 to 1991. She also worked as a staff attorney with the Department of Veterans Affairs and as an attorney-advisor for the Office of Hearings and Appeals at the Department of Health and Human Services. She was also a staff attorney with Community Legal Services in Philadelphia.

Judge Quinones is a founding member and has been active within the Hispanic Bar Association of Pennsylvania for the past 20 years. She has actively represented students in law schools and hired numerous Hispanic attorneys as full-time law clerks and serves as a mentor to countless students and professionals.

Nitza was born in Puerto Rico, she graduated from the University of Puerto Rico School of Business Administration cum laude in 1972 and acquired her juris doctor degree from the University of Puerto Rico’s School of Law in 1975.

Her commitment to public service and substantial judicial experience will make her an outstanding Federal judge. It is also, I should note, a remarkable American story that Judge Quinones brings to us today.

I look forward to the vote today on her confirmation. We appreciate the work that has been done to bring her nomination to the floor.

I have enjoyed working with Senator TOOMEY on both Judge Quinones’ nomination as well as the second nomination.

Judge Jeffrey L. Schmehl, the second nominee, as well bring an extraordinary record of knowledge, experience, and public service to the Federal bench. He is well regarded by lawyers and litigants who work with him, as well as the people of Reading in Berks County, PA.

Since 2007 he has served as the president judge for the Berks County Court of Common Pleas, where he has served as a judge since 1998.

Prior to joining the bench, Judge Schmehl was a partner at Rhoda Stoudt & Bradley from 1988 to 1997, where he also worked as an associate since 1986. He also served as the county solicitor at the Berks County Services Center from 1989 to 1997, and he owned his own law firm from 1981 to 1986. He also served as an assistant district attorney in Berks County, as a prosecutor, and as an assistant public defender for the Berks County Public Defender’s Office—a rare combination, both a public defender and a prosecutor.

He received his bachelor of arts degree from Dickinson College in 1977 and his juris doctor degree from the University of Toledo School of Law in 1980. We look forward to Judge Schmehl’s confirmation as well.

Both of these are individuals about whom we can be very proud, vote for, and support with enthusiasm. It always helps when you have a jurist who are the result of the working together of a Democratic Senator and a Republican Senator—in this case, Senator TOOMEY and myself—working together to bring their nominations to this point and working to get them confirmed on the floor of the Senate.

I yield the floor, and I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADVICE AND CONSENT

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the advice and consent duties of the Senate. Our Constitution gives the Senate the responsibility to advise the President on high-level executive positions and judgeships. The Senate is also asked to consent on those appointments to ensure that only those who are worthy of the public’s trust hold positions of such great power. The confirmation process is a way to protect the people’s interests by ensuring nominees who simply aren’t up to the job, or to the times we are in as a country.

It is also an important opportunity for the Senate to exercise oversight over the agencies and the policies of the administration and to do this on behalf of the American people. Let me repeat that. It is about exercising oversight on behalf of the American people.

This is one of the most important roles we play as Senators. This is one of the Founding Father’s intentions. They wanted to make sure there was free debate on important subjects so we could give appropriate consideration to policies, to laws, and to nominations.

The Father of our Constitution, James Madison, explained the Senate’s role was “first to protect the people against their rulers.” “First to protect the people against their rulers” was the point of this body. That is why, over its long history, the Senate has adopted rules that provide strong protections for political minorities.

Lately some in the majority have decided the American people shouldn’t ask so many questions and the minority shouldn’t have so many rights. Here is a little perspective on the conversation we are having today. Over the last 6 years Majority Leader REID made a commitment not to use the nuclear option. On the floor he said:

“I agree that the proper way to change Senate rules established in those rules, and I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.”

He said this Congress or the next Congress, so that includes the Congress we are in right now today.

It didn’t stop some of the members of his caucus from trying to force the nuclear option this year. I was one of a bipartisan group of Senators—eight of us—who worked together and negotiated, I thought, responsible changes to Senate procedures.

Our goal was that there would take drastic steps that would damage this body and our country forever. It was a fair agreement.

It was also an agreement that we were told would rule out the use of the nuclear option. Republicans agreed, to support two new standing orders and two new standing rules of the Senate. Those changes were overwhelmingly supported by Republicans as well as Democrats in this body.

In return, the majority leader again gave his word he would not try to break the rules in order to change the rules. Here is what he said a few months ago on the Senate floor: “Any other resolutions related to Senate procedure would be subject to a regular order process.”

He even added this included considerations by the Rules Committee. There was no equivocating in the statement by the Democratic leader. There were no ifs, ands, or buts. This was January 24 of this year. Here we are again, less than 5 months later, and we are having this same argument.

Some Senate Democrats want to use the nuclear option. To break the rules, to change the rules, and do away with the right to extended debate on nominations. This would be an unprecedented power grab by the majority. It would gut the advice and consent function of the Senate. It would trample the rights of the minority. It would deprive millions of Americans of their right to have their voices heard through their representatives here in Washington. The nuclear option would irreparably change this institution.

Republican leaders raised principled objections to a select few of the President’s nominees. In other cases, such as the DC Circuit Court, we simply want to apply the standard the Democrats had set, that the court’s workload doesn’t justify the addition of three more judges.

The President claims his nominees have been treated unfairly. Even the Washington Post’s Fact Checker said the President’s comments were untrue. The Washington Post Fact Checker gave the President not just one but two Pinocchios for his claims about Republican delays on his judicial nominees.

The White House and the majority leader don’t want to hear it. They want the Senate to rubberstamp the President’s nominees. The Democrats aren’t happy with the rulings by the DC Circuit Court, and they want to avoid any more inconvenient questions about the Obama administration claim they want to change the rules to make things move more quickly, but that is no excuse. Remember when the majority leader threatened the same drastic step a couple of years ago? One of the Democrats who op-pose the current majority leader at the time was former Senator Chris Dodd.

In his farewell speech in this body in late 2010, this is what Senator Dodd had to say:

“I can understand the temptation to change the rules that make the Senate so unique—and, simultaneously, so frustrating. But whether such a temptation is motivated by a noble desire to speed up the legislative process, or by pure political expedience, I believe such changes would be unwise.”

This was a Democratic Senator with 30 years of service in the Senate.

The reality is the pace of the Senate can be deliberate. Extended debate and the right to question nominees. There will be less government transparency. The faith of the American people in their government will get smaller and smaller.

I believe it would be a terrible mistake for Democrats to pursue the nuclear option and an irresponsible abuse of power. From the beginning the American political system has functioned on majority rule but with strong minority rights. Democracy is not winner-take-all. Senator REID gave his word. We negotiated in good faith earlier this year. We reached a bipartisan agreement to avoid the nuclear option. Using the nuclear option on nominations now would unfairly disregard that agreement. If Democrats break the rules to change the rules, political minorities and all Americans will lose.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

Mr. GRASSLEY. I listened to my colleague from Wyoming. He states it very well. I have come to the floor for roughly the same reason, but I don’t know how many times you have to say it, because I think basically what the Senator from Wyoming was saying, and what I want to say is it is very difficult to reach agreements in the Senate. But when you reach an agreement, particularly only if it involves two Senators but particularly if they are leaders of the Senate, a person’s word is his bond. The President ought to know I know, always kept. At least that has been my relationship with fellow Senators. You say you are going to do
there is some talk around this institution of changing the rules—something to do with nominations and particularly judicial nominations not moving fast enough—I am in the middle of that as ranking member of the Judiciary Committee. We have confirmed 22 lower court nominees, with two more scheduled for this week. That is more than double the number of judges who were confirmed at this point during the previous President’s second term.

With the nominations this week, we have confirmed 195 of President Obama’s nominees as lower court judges. We have defeated only two. That is a batting average of 99-plus percent. I don’t know how much better we can get unless it is expected the Senate will not raise any questions about anybody appointed by any President to the judic peace of our country.

The claim we are obstructing nominees is baldly false. I have cooperated with the chairman of the Judiciary Committee in moving forward on consensus nominees, and on the Senate floor there has been a consistent and steady progress on judicial nominations, as if the majority is intent on creating a false crisis in order to effect changes in longstanding Senate practices. They are now even threatening—can you believe this—to break the rules. Again, I hope the majority leader keeps his word. We have certainly upheld our end of the bargain.

May I inquire of the Chair how many minutes are remaining for the minority in morning business?

The PRESIDING OFFICER. The Republicans control 15 minutes.

Mr. GRASSLEY. Fifteen minutes more?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. In regard to this whole issue about the Senate as an institution and where I said if this rules change were to destroy the Senate, I think it is very appropriate for us to remember the Senate is the only institution in our political branch of government where minority views are protected. In the House of Representatives, whether it is a Republican minority or a Democratic minority, as long as they stick together, they can do anything they want to and they can ignore the minority. But in the Senate, where it takes a super-majority of 60 to get something done, whether the Republican or Democratic minority, that minority is protected.

Today, where we have 54 Democrats and 46 Republicans, nothing is going to get done unless it is done in a bipartisan consensus. That is why it so very important we do not destroy that aspect of the uniqueness of the Senate.

I yield the floor.

Mr. BLUNT. I thank the Chair for the opportunity to speak, and I wish to continue discussing what my good friend from Iowa was talking about.

There is a reason for the Senate. There are times when it is hard to figure out exactly what that reason is, with the lack of activity we have seen on the floor this Congress. We have very little to do with the rules of the Senate. It has a lot to do with the Senate not following its regular order, its regular procedures. In fact, when we have done that, whether it was the highway bill or the Federal Aviation Act or the farm bill, we have always produced a successful piece of legislation.

The Senate works when we let the Senate work. The Senate works when people are allowed to bring differing points of view to the Senate floor. Frankly, one of the reasons to be in the Senate is to have the ability to not only bring those ideas to the floor but to have a vote on those ideas; to let the American people know where we stand and where the majority and minority and the Republicans and the Democrats we represent know where we stand. The idea the Senate is now afraid of the amendment process is a great obstacle to the Senate getting its work done.

Another obstacle is constantly talking about changing the Senate rules. The Senate rules have served the Senate well for a long time and served the country well. The Senate rules are what define the Senate in giving individual Senators abilities they wouldn’t otherwise have. This is the only body in the world where a bare majority can’t do whatever it wants to do. If that is the way we want to govern the country, we have one of those bodies already. It is called the House of Representatives, where the majority absolutely rules, where the Rules Committee has nine members representing the majority and four members representing the minority.

I was the whip in the House for a long time and the chief vote counter in the House—and I can tell you that nine always beats four. It is not just 2 to 1, it is 2 to 1, plus 1. That is a body where the majority has incredible capacity to do whatever the majority wants to do. That is not the way the Senate is supposed to work.

We started off this year trying to agree on how to move the Senate forward in an agreeable and effective way, and now we are right back, every day on the floor. We are going to have to think about changing the rules. When we hear the majority leader talking about changing the rules, it usually is not a good indication we will be prepared to get anything done.

The two leaders, when we started this year, agreed on a plan to make sure the Senate wouldn’t unilaterally change the rules; that we would break the rules to change the rules. The thing we would have to do to change the rules is to break the rules, because the Senate is constituted, can’t be changed by just a majority of Senators. It takes more than that.
We created two new ways for the majority leader—not the minority leader but for the majority leader—to expedite Senate action. We gave new powers to the leader. One of these rules changes passed 78 to 16. The other one passed 86 to 9. These changes gave the majority leader new nominations and legislation and going to conference. The minority agreed, under certain circumstances, the ability to engage in debate could and would be limited.

But now we are back again having the same discussion. The only way the majority leader would be able to get what he apparently wants would be to break the rules. There are enough rules being broken, in my view, in Washington right now. One of the problems we face is that the country, frankly, does not trust their government. When we look across the board, from the IRS to what happened in Benghazi, to what the NSA has said in answering about the mass mining of records, don't need to do yet another thing to convince people there is a reason they should not believe what people in the government say.

Let's look at a few things the majority leader said on the Senate floor over the last couple of years. On January 10, 2011—January 27, to be exact—Mr. REID said:

I agree that the proper way to change the Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.

That was January of 2011. Mr. MCCONNELL, in January of this year, said on the Senate floor—January 24:

I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules in this Congress unless they went through the regular order process.

That was Senator MCCONNELL's question. In response, Senator REID said:

That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration by the Rules Committee.

I am on the Rules Committee, and we are not talking about any rules changes in the Rules Committee, which Senator REID said in January of this year would have to be part of looking at that.

Of course, a lot of the discussion is: The nominations are taking too long. But these are important jobs, and there is a reason they take so long. In particular, judicial nominees serve for the rest of their lives. They are going to serve well beyond, in most cases, the President who nominates them. So they have taken a long time for quite a while.

I would think the facts are clear the Senate is treating President Obama's judicial nominees fairly and, in some ways, even better than they treated President Bush's nominees.

Already in this Congress, the Senate—in this Congress, the one that began in January—the Senate has approved 22 of the President's lifetime appointments. Twenty-two people on the Federal bench for the rest of their lives, that is already happening this year. At a comparable point in President Bush's second term the Senate had approved only five of his judicial nominees.

In the last Congress, President Obama had 50 percent more confirmations than President Bush; 171 of his nominees were confirmed. His predecessor was dealing with a similar circumstance, a time when the Senate was also dealing with 2 Supreme Court nominees who, by the way, also serve for life.

I think the first term of President Obama the Senate made the kind of progress one would expect the Senate to make on these important jobs. In fact, President Obama has had more district court confirmations than any President in the previous eight Congresses, and those would be a pretty good record on the part of the Senate doing its job.

The Constitution says the President nominates but, it says, the Senate confirms. In my view, those are equally important. One could argue that the last job, the one that actually puts the judge on the bench, is even more important than the first job.

Overall, the Senate has confirmed 193 lower court judges under President Obama and defeated only 2. The Washington Post cited the Congressional Research Service conclusion that from nomination to confirmation, which is the most relevant indicator, President Obama's circuit court nominees were being processed about 100 days quicker than those of President Bush. President Bush's nominees took about a year, 350 days. President Obama's take about 100 days less than that.

Let's look at the other side of nominations. There is a difference in the executive nominations, I believe, because they are only likely to serve during the term of the President and not exceed that. I think that creates a slightly different standard. The process on these nominations has been pretty extraordinary in any view. If anything, the Obama administration has had more nominations considered quicker than the Bush administration.

The Secretary of Energy was recently confirmed. The Secretary of the Interior was confirmed 87 to 11; the Secretary of the Treasury, 71 to 26. Those are substantial votes done in a substantial time. The commerce committee that I am on just this week voted out these nominees the President had made with no dissenting votes to report that nomination to the floor.

The Director of the Office of Management and Budget was confirmed 96 to 0. The Secretary of State was confirmed 94 to 3, only 7 days after the Secretary was nominated. Members of the Senate knew the Secretary of State pretty well. It was easy to look at that in a quick way, but it is pretty hard to imagine a Secretary of State who can be confirmed quicker than 7 days after that person was nominated.

The Administrator for the Centers of Medicare & Medicaid Services was confirmed 91 to 7. The Chair of the Securities and Exchange Commission was confirmed 85 to 12. Despite all of that, we are being told by the White House and by others that somehow the Senate's record on these nominations is worthy of an unprecedented rules change, and that rules change would be to break the rules to do the majority's will. We have dealt with this nomination and this is worthy of an unprecedented rules change, and that rules change would be to break the rules to do the majority's will. We have dealt with this nomination and this is worthy of an unprecedented rules change, and that rules change would be to break the rules to do the majority's will.

The very essence of the constitutional obligation of the Senate is to look at these nominations and decide whether these people should go onto the Federal bench for the rest of their lives.

I am hopeful that the majority leader will keep his word to the Senate and to the American people and ensure that we move onto this debate that should happen. It didn't happen last year and instead of changing the rules, we do what we are supposed to do and do it in a way that meets our obligations as a Senate and our obligations to the Constitution. Let's not break the rules to change the rules. Let's get on with the important business that is before us rather than going back to the business we have dealt with months ago.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The morning business is closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform and for other purposes.

Pending:
Leahy/Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.
Grassley/Blunt amendment No. 1195, to prohibit the granting of registered provisional immigrant status until the Secretary has maintained effective control of the borders for 6 months.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is on S. 744.

Mr. LEAHY. Is there a division of time?

The PRESIDING OFFICER. There is no such division of time.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I want to visit with my colleagues about border security. It refers to an amendment that I have pending to enhance the bill’s provisions on border security. I would like to take a few minutes to discuss why I think my amendment is a good first step to restore the faith of the American people in government. That faith has to be restored on the issue of immigration because we promised so much in the 1986 bill on border security and stopping undocumented workers from coming to this country, so, consequently, for the institution of Congress and the executive branch both, because we are not enforcing existing law, the credibility on immigration is on the line. On this issue the American people have lost faith that, at least from the immigration point of view, we are really a nation based on the rule of law.

It is no secret that we in Washington, particularly in the congressional branch, have low approval ratings. A lot of people, especially in recent weeks, wonder about the trust of government—you know, Benghazi, IRS, AP investigations. They have also lost confidence, then, in the leaders. They question our ability to protect their privacy. They question our capacity to protect their security.

This is especially true when we talk about border security with average Americans. They do not think we are doing enough. They say we do not need to pass another law. They just do not understand why we cannot stop the flow and simply enforce the laws on the books. To them it is that simple.

It would be true in my town meetings in Iowa, but the bill before us complicates things. It takes a step backwards on an issue about which Americans care deeply. It says we will legalize millions now—that means millions of undocumented workers—and we will worry about border security down the road, in 5 or 10 years.

The authors of this document before us, the Group of 8, say they are open to improving the bill. My amendment now before us does just that. My amendment improves the trigger that jump-starts the legalization program. It ensures that the border is secure before one person gets legal status under this act.

The American people have shown that they are very compassionate, not just willing to deal with this issue of 12 million undocumented workers here but in a lot of other ways so numerous and well-known we do not even need to mention them. Many can come to terms with a legalization program.

But many would say that a legalization program should be tied to border security or enforcement. That is what is very simple for the American people: secure the borders. Let me give some examples.

Bloomberg recently released a poll in which they asked the following question: Congress is debating changing immigration laws. Do you support or oppose a revision of immigration policy that would provide a path to citizenship for 11 million undocumented immigrants in the United States?

Madam President, 46 percent said they would support it.

The poll then went on to ask the same respondents about elements in the immigration bill. 85 percent said they favored “strengthening border security and creating a system to track foreigners entering and leaving the country.” So we have 46 percent saying they support immigration, but 85 percent of the same group say it is very necessary to strengthen border security.

In Iowa, a poll by the Des Moines Register found that 58 percent of the respondents were OK with a path to citizenship for immigrants after—and I emphasize the word “after”—the border is secure. Almost every poll shows the same results.

Sure, people would consider a legalization program, but it is almost always tied to the condition of border security. The American people do not think we are doing enough to secure the border. In a poll conducted by Anderson Robbins Research and Shaw & Company, 60 percent of those polled said the current level of security at the country’s border is not strict enough. Also, 69 percent of the respondents said they favor requiring completion of a new border security measure first before making other changes in immigration policy.

Unfortunately, too many people have been led to believe this bill will force the Secretary of Homeland Security to secure the border. In fact, it does not guarantee that before legalization. That is why we need to pass my amendment. It is a good first step to ensuring that we stop the flow of undocumented workers coming to this country. We need to show to the American people that we can do our job. We need to prove to the fact that we are committed to security.

Bottom line: Nobody says the existing immigration system is as it should be. People support reform, but they support reform if we have border security first.

I yield the floor.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, it is good that the Nation is having this debate on immigration, but I think we ought to talk about what is truly involved. For the last several months—even before our bill was drafted, people were saying we cannot proceed with immigration reform until we do more to secure our border. That is what we have a bill—a bill that takes extraordinary steps to further secure an already strong border—we continue to hear we must wait. We are told that the immigration bill reported from the Senate Judiciary Committee last month, the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, does not do enough.

It is so easy to wait. Oh, let’s wait until next year or the year after or the year after that, because then the 100 Members of the Senate don’t have to vote. We can be on everybody’s side. That is not why we were elected. We do not want to talk about what is truly involved. This bill takes every step to prevent and deter illegal immigration.

We can talk about philosophy and we can talk about things people have heard. I would like to talk about facts. It may be inconvenient to some of those who don’t want to have immigration reform, but the facts speak for themselves. The Obama administration has more than 21,000 Border Patrol agents, which is more than they have ever had under either Democratic or Republican administrations.

The Department of Homeland Security has deployed additional technology in aircraft and hundreds of miles of fencing along the southern border. The Department has built more than 650 miles of fencing along the southern border, including more than 350 miles of pedestrian fencing. There has been a tremendous reduction in illegal crossing. Here is a fact: Illegal border crossing is at a near-40-year low under this administration because fewer people are trying to cross. In 2005, Border Patrol apprehended more than 1.1 million individuals who crossed the border. In 2012, that number went down to one-third—roughly 365,000. At the same time, deportations, as we all know, is at a record high level.

We do not have a quorum. This is one of the things we should talk about. People ignore the fact that we spend more money on enforcing immigration and customs laws—$8 billion each year—than we do on all of...
our other Federal law enforcement agencies put together. For those who care about law enforcement, that is kind of a striking number. So we have done "enforcement first."

This legislation goes even further to build on what we have been a successful record. Chairman CARPER of the Homeland Security and Governmental Affairs Committee and I wrote a letter to our colleagues yesterday.

In fact, I ask unanimous consent that our letter be printed in the RECORD at the end of my statement.

In the letter, we point out that the bill appropriates up to another $6.5 billion to secure the border. It authorizes another 3,500 Customs and Border Protection officers. It allows Governors to deploy the National Guard to the southwest border region. It expands border security and use of technology at the border. I mean, this is not a bill that ignores enforcement; it expands it.

It increases the already strict criminal penalties against those unlawfully crossing the border and provides additional resources for their criminal prosecution. It sets clear statutory goals: The prevention of 90 percent of illegal entries and persistent surveillance of the entire southern border. If DHS doesn’t meet these goals within 5 years, the bill establishes a bipartisan commission to develop further concrete plans and provides an additional $2 billion to carry out those plans.

Some say: I have a better plan. Come on. The needs at the border change all the time, so we built in flexibility to meet those needs.

The bill sets tough border security triggers. In fact, before DHS can register any undocumented individuals for provisional status, it has to provide Congress with two detailed plans laying out exactly how it is going to meet statutory goals: a comprehensive strategy and another specific to fencing. This is one of the toughest pieces of legislation on the security of our borders that has ever been before the Senate.

The Department of Homeland Security cannot issue green cards to these individuals for 10 years—and even then only after four triggers are satisfied: Comprehensive border security strategy is substantially deployed; the fencing strategy is substantially completed; an electronic border guard verification system is established for all employers; and an electronic exit system based on machine-readable travel documents is in place at airports and seaports. Even then we added more during the Judiciary Committee’s markup to that. We added an amendment offered by Senator GRASSLEY that expands the bill’s 90 percent effectiveness rate to the entire southern border, not just high-risk sectors.

So those who say they want more security than what we have here—it is virtually impossible to have more security. I think we might ask: Are you saying you don’t want any immigrating bill? This is similar to debates we have had—and I use the example of the work we did to bring about peace in Northern Ireland during the Clinton administration.

The former majority leader of this body, Senator George Mitchell, did an heroic effort, along with others, on both the Protestant and Catholic side in Northern Ireland. There were some who said we cannot have a peace agreement until we do not have a single act of violence. I said, OK. Senator Mitchel and others said, so in other words, you are going to let one disgruntled person on either side veto any peace agreement?

Let us not say we will have no immigration bill until not one person crosses our border illegally. That is making the perfect the enemy of the good, and that means we will never have it.

I was pleased the committee also looked at two major amended amendments I offered with Senator CORNYN—

As chairman of the Senate Judiciary Committee, I wanted to work with others to develop an amendment that increases penalties on employers who hire undocumented workers. This bill does exactly that.

The distinguished senior Senator from New York, Senator SCHUMER, talked about biking around Brooklyn and seeing people who are probably undocumented and contractors coming up to them and saying, I will hire you for $15 a day, and they have to take the job. If we have real teeth in our bill does not put the pressure on employers who hire undocumented workers, they would instead have to hire those who are legal and have to pay at least minimum wage and have to put money into Social Security and so on. It makes a big difference.

As Grover Norquist said in his testimony, our bill, if adopted, would improve the finances of our Nation. But more than that, this legislation provides workable, flexible, affordable, humane solutions. It is tough, it is fair, and it is practical. Yet, just as in 2006 and 2007, we are still hearing from some Senators who oppose comprehensive immigration reform that we must do more to secure the border and enforce our laws.

I welcome additional ideas on how to enhance border security and public safety. I want people to bring forth their amendments to be voted on up or down. Our goal must be to secure the border, not seal it.

As chairman of the Senate Judiciary Committee, I will oppose efforts that
impose unrealistic, excessively costly, overly rigid, inhumane, or ineffective border security measures, and I will oppose efforts to modify the triggers in ways that could unduly delay or prevent the earned legalization path—such as efforts to require Congress to ratify the triggers or to allow States to wait too long already. That includes the amendment offered by my friend from Iowa, Senator Grassley, which would significantly delay even the initial registration process for the 11 million undocumented individuals in this country.

The bottom line is this: The pathway to citizenship must be earned, but it also must be attainable.

Let’s not forget that bringing 11 million undocumented family out of the shadows is not only the moral thing to do, it helps keep this country safe so we know who is here and we can focus our resources on those who actually pose a threat.

I don’t often quote the Wall Street Journal editorial board, but I will quote them here:

[Those] who claim we must ‘secure the border first’ ignore the progress already made, because their real goal isn’t border security. It is to use border security as an excuse to stall immigration reform.

We need immigration reform. It is a moral issue. It speaks to the greatness of our country. But it is also a national security issue and a public safety issue. Attempts to undermine immigration reform may come in the guise of promoting homeland security, but let’s not be fooled. As 76 former State attorneys general recently wrote: ‘Put simply, practical, comprehensive reform to our Federal immigration laws will make us all safer.’

We must fix our broken immigration system once and for all. As I have said many times on this floor, I think of my maternal grandparents coming to Vermont from Italy and making Vermont a better State with the jobs they created and their grandchildren became a Senator. I think of my wife’s parents, coming from Quebec, bringing their French language but also bringing English, and my wife was born in Vermont as a result of that. But I think of her extended family—her father, uncle, and others—creating many jobs in Vermont and making Vermont better. Every one of us can tell stories such as that. Let’s not forget those people.

Let’s not say that what worked for our ancestors is no longer available. Let’s speak as the conscience of the Nation. One hundred Senators can be the conscience of the Nation and sometimes are, as we were on the Violence Against Women Act. It can now be so now with the immigration bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

DEAR COLLEAGUE,

Sincerely,

Michael Chertoff
to address the needs of the labor market, border security will be harder and more expensive to achieve” (Obama’s Immigration Agenda, The Washington Post, Feb. 14, 2013). By making it difficult for employers to hire undocumented workers, creating legal ways to enter the country for immigrants coming for legitimate reasons, and allowing eligible undocumented individuals a path to citizenship, this bill will allow the Department of Homeland Security to focus its efforts on addressing threats to our national security and public safety.

In sum, S. 744, as amended, will dramatically reduce illegal immigration and improve security. We look forward to considering additional ideas to improve border security further during Senate floor consideration, especially those that present solutions that are effective, workable, affordable, and flexible enough to allow the Department of Homeland Security to deploy the right resources where they are needed, without creating undue delays to prevent undocumented individuals from earning a path to citizenship. As we continue to build on the unprecedented investments that have been made to secure our borders, we must ensure that extreme or unworkable proposals do not become a barrier to moving forward on comprehensive reforms that are critical to securing our borders. These reforms include a path to citizenship for the undocumented in the United States who work, pay taxes, learn English, pass criminal background checks, pay substantial fines, and get in line behind those who applied to come here legally and have been waiting for years.

The Border Security, Economic Opportunity, and Immigration Modernization Act, as amended, makes important improvements to our immigration system that will strengthen national security and honor our nation’s values. Let the Members look forward to working with you as the Senate considers this legislation and, hopefully, improves it.

Sincerely,

JAY LEAHY
Chairman, Senate Judiciary Committee.

TOBY CARPER
Chairman, Senate Homeland Security and Governmental Affairs Committee.

Mr. LEAHY. Madam President, I see my good friend, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President. I thank the Senator from Vermont. I appreciate what he has said about this issue. This is a debate we need to undertake, and we are doing so. We are doing it in a way that the Senate in my previous experience has essentially dealt with legislation. We have brought it to the floor, and it has come through the regular process. The committee has held extensive hearings on the issue. There is a national debate going on. We are hearing from our constituents back at home. I am not on the committee that has jurisdiction here, but I have been following it carefully in terms of what has been presented, the bill that has been drafted, the amendments that have been offered, which ones have succeeded, and which ones haven’t. This is a major issue, which deserves and is getting—like most of what has happened here in the last couple of years—a thorough debate, with opportunities to offer amendments, with opportunities to work to find ways to address concerns about the current legislation before us. That is why I voted for the motion to proceed. This is an issue that needs to be discussed so that, hopefully, a system we know is broken—I think there is pretty much agreement in this room that the current immigration system is full of flaws and has not achieved what was promised when the initial legislation was passed. It needs to be fixed because the status quo simply perpetuates and endangers lives with illegal immigration and all the impacts on our country, including the distrust of the American people. So, hopefully, we are going to come forward with credible legislation this time to address the real problems. So I am pleased we are having this debate.

We are a Nation of immigrants. It is part of our rich history. While all of those who have come to our shores over the decades may have different stories, the one thing they share is a common goal. They want the opportunity to live in a free society. They want to advance economically. They want to pursue the American dream. They want to provide for their children and their children’s children the freedoms and the opportunities that exist in America.

The American dream is a reality that is available for people to achieve if given the opportunity to work hard. I have 4 children. My mother’s family came here to the United States legally in search of a better life and better opportunities not just for themselves but for their children and generations to follow.

What my mother learned and passed down to her children is that with these freedoms granted to us as American citizens come responsibilities. We have the responsibility to cherish and defend our Constitution. We have the responsibility to live in accordance with our communities. We have the responsibility to vote and take part in the electoral process and, we have a responsibility to come to the aid of our neighbors in need. We have been, and hopefully will continue to be, a compassionate country—a country that believes all human beings are created equal and that our rights are endowed not by a king, not by a President, not by a government, but by God.

In America, the matter where one comes from or what one’s last name may be. If given the opportunity and the chance, a person can succeed, and that is what sets us apart from so many other countries. That is what makes us a shining light, a beacon to the rest of the world, and it is that light that attracts so many to our shores with hopes and dreams of a better future.

During my time as Ambassador to Germany, Colin Powell, then Secretary of State, made many visits. One of those visits included a stop on the way back from a trip to India. As we were riding from the airport to his first appointment, he shared with me something that I think pretty much says it all about the world’s view of America. He was talking to me about how we sometimes see people holding demonstrations and protests against America. He said, but, you know, as I was driving down the highway, I passed a woman with a huge sign in big, bold letters that said “Yankee, go home.” And in parentheses, right underneath those bold letters, it said, “and please take your money with you.” A little story illustrates how much of the world views America: a place they would like to get to.

So as we address this issue, I think it is important to understand that this country is a magnet. It is a magnet for people to come and fulfill their dreams, to make their lives better and their children’s lives better.

But if we are a country that cannot have an orderly and effective process of legal immigration, then we lose the support of the American people. If individuals continue to learn that those who come the right way, the legal way, have to stand in line for 10, 12, 15, 20 years, hoping to win the lottery, and then if we select people who are chosen, we will continue to see more and more illegal immigration. That is why it is important to address this issue and make the necessary reforms.

As I said earlier, it is an indisputable fact that our current immigration system has failed. It has failed the citizens of this country and it has failed those who have been standing in line for years trying to become eligible for immigration through the legal process. Today we have 11 million undocumented individuals living in our country. Approximately 40 percent of those who are here illegally arrive legally, on a legal basis for a temporary time. But if they do not return to their country, they have overstayed their visas, absorbed themselves into our country and have not returned to their country. That is an issue. That is a problem, and we need to address that. We need to have a certified system in place that works—not promises, not words on pieces of paper—but a system that has the credibility to work, that when we grant people temporary status to come here to study, come here to visit, come here to see relatives, come here for legal business, come here on a temporary basis, we know who comes in and we know who goes out and we know those who stay and we take appropriate action.

That is simply a logical, legal way of having a system the American people can trust and believe in.

One of the major issues here is our southern border and securing that border. I had the opportunity to spend a few days on the border from the Pacific Ocean in southern California and all the way across of the Arizona border. So I had a pretty good look at this.

As ranking member on the Senate Appropriations Subcommittee on
Homeland Security. I wanted to find out how we were spending our money, what kind of success we were having, what problems we faced, and how we should better address our resources. It was instructive, and I urge my colleagues to take the opportunity to do the same.

As a result of that, despite efforts to make that border secure, “secure” is not the right word to define where we are now. So one of the issues before us is: What do we do to make our borders more secure so that we can convince the American people and the people we represent that this time—this time—we have in place a process which will result in a secured border?

We went through this in 1986. Ronald Reagan proposed immigration reform. I voted for it. At the time, we had 3 million illegal immigrants. The promise in that legislation was that we would secure the border, and we would solve the problem of illegal immigration. Obviously, today we have 11 million and perhaps counting.

It is appropriate to say that the border is more secure than it was then. We have, over the years, and particularly in later years with a surge of illegal immigration into our country, taken significant steps: increased border patrol agents, introduced sophisticated technology—a whole range of things that we have invested—money, resources, and manpower to make that border more secure.

But we cannot truthfully come down here today and say the border is secure. We can say: We are going to make it secure and here is how we are going to do it. But I think we need something that is credible because the American people will simply say: How do we know you are not going to be here 5 years from now, 10 years from now, saying: I know we told you it was going to be secure and I know we still have a significant problem? And you will get it better next time. We do not want to repeat that mistake. If that happens again, I think it will be a long time before we are able to come down with a sensible reform proposal.

Clearly, there is more work to do there, and it is going to be difficult for me to support a bill that does not put in place something that is credible relative to our ability to strengthen our border security.

We cannot ignore this problem. We cannot ignore the fact that people continue to stay in our country illegally or cross our borders illegally. The status quo is not working. It encourages illegal immigrants to come across the border, which is why we need this debate, why we need reforms to our current broken system, and why we need to assure the American people we are going to work to repair this broken system.

It is critical for our economic growth, it is critical for securing our borders, and it is critical for strengthening our national security. That is why I supported the motion to proceed to this debate on this important issue.

Immigration reform needs to take place in an open, fair, and thorough debate, with the input of the American people, and I am certainly hearing from many of them in my State.

I do have serious concerns with the current text of the legislation that has come out of the Judiciary Committee, and I believe this bill needs to be improved before I could support it. I am particularly concerned about the future of improving the border security measures making sure, as I said, we do not make the same mistakes we made in 1986. We must take steps now to secure it before we consider granting legal status to illegal immigrants.

Additionally, I wish to work with my colleagues to improve the employer verification program, which I think is essential to dealing with the problem, and also our exit system measures, which I just discussed before about the people who come legally for a temporary stay but then we do not know if they go back home.

I hope over the days ahead that we can live up to our reputation of being the most deliberative body in the world. People say: Why don’t you get more things done? There is either one of two answers to that. One is, we do not bring bills to the floor and offer the opportunity to debate in an open way.

But the second is that this is exactly the opportunity to address the issue of this importance, we clearly need this, and I am pleased that process is going to go forward.

But let’s not rush to a decision. Let’s do it right. Let’s not stand and declare that every amendment is to kill the bill, that is not constructive and that is not how we should go forward.

So if the status quo is unacceptable, don’t we all share the same goal of a secure border, of addressing the issue of these 11 million people who are in our country living in the shadows and, by the way, being exploited in incredible fashion because they do not have the rights of citizens. They did break our laws by coming here, and we are making them pay a heavy price for doing so, including a fine, including learning English, including paying back taxes, including waiting 10 years before they would be eligible for a green card. Most important to many Americans, they get in line behind everybody who waited—who waited in line in the long line outside it. They have to get in line behind them and they have to be working for 10 years and they have to pay fees of $500, another $500 after 5 years, another $1,000 they apply for a green card. They have to undergo a background check. Anyone who has committed crimes in this country is going to be deported. Most important, this legislation dries up the magnet that pulls people into this country where they believe they can find work.

Over 40 percent of the people who are in this country illegally never crossed a single border. They came to this country on a visa and it is expired. So
that is why E-Verify, which we do not hear a lot about in this debate, is so important. Because under the E-Verify system—which means a document that is verifiable which identifies the individual—that employer who hires someone who does not have documentation can be subject to prosecution and very heavy fines and even more if they are repeat offenders.

Once the word gets out all over the world—and especially south of our border, where living conditions are far worse than in the United States of America—then they are going to say: I am not going to come because I can’t get a job once I am here.

Today, in the streets of Sonora, Mexico, you can buy a birth certificate for about $40. So that person comes and shows it to the employer and they are hired. The E-Verify system will make that impossible. That is one of the key elements of this legislation.

I have been on the border in Arizona for the last 30 years. I have seen the Border Patrol grow from 4,000 to 21,000. I have seen the National Guard deployed to the border. I have seen drones flying along the border. I have seen fences built. We have to do more. We have to do a lot more, and those are provisions in this bill. But to somehow say there has not been significant advancements in border security defies the facts on the ground.

The bill is not secure, despite what we might hear the Secretary of Homeland Security say. It is not secure. But the provisions in this bill, I am confident—I can tell my colleagues from 30 years of experience—I am confident it will make this border secure, as much as is humanly possible, remembering that there is an aspect of this issue we do not talk about; that is, the flow of drugs. Because, my friends, as long as there is a demand in this country for drugs, drugs are going to find a way into this country. It is not a fundamental of economics. We have not had nearly the discussion nationally, much less in this body, about the issue of the drugs that flow across our border. Believe me, if there is a demand, they will find a way, whether it is an ultralight, whether it is a tunnel or whether it is a submarine.

But the fact is that we can get this border secured. The answer, my friends, as is proposed in the Cornyn amendment, we hire 10,000 more Border Patrol—is not a recognition of what we truly need. What we need is technology. We need to use the VADER radar that was developed in Iraq, where we can track people back to where they came from. We need to have more drones. We need to have more sensors on the ground, and I have gotten from the Border Patrol—not from the Department of Homeland Security but from the Border Patrol—a detailed list of every single piece of equipment that they need to secure the different sectors of our border in order to make our border secure, and it is detailed. It talks about, for example, at the Yuma and Tucson sectors: 56 fixed towers, 73 fixed camera systems, 28 mobile surveillance systems, 685 unattended ground sensors, 22 hand-held equipment devices.

The list goes on and on. It is detailed. I will let my colleagues know that this is the recommendation of the men and women who are on our border, who are taking this issue on every single day they are at work—in very difficult conditions. I want to note that the temperature in southern Arizona is over 110 degrees today. It is very tough on individuals as they are patrolling our border. But we need helicopters. We need VADER radar. We need a whole lot of things. That will be paid for with approximately $6 billion that we provide in this bill—over $6 billion. We can purchase a lot of equipment that way. We are going to use the Army. We are going to use the Army to tell us how we can best surveil and enforce this border because of their experience they have had overseas in Iraq and Afghanistan.

I say to my colleagues, I am not apologizing for this legislation we have proposed and as sent through the Judiciary Committee. I am proud of what I believe we have done, and I am confident we will secure this border by taking the measures that will be required in this legislation.

I also have to say in all candor, my friends, there are amendments that will be proposed there to assist and improve this bill and make this bill better and improve it. There are also amendments that will be designed to kill it. I intend to do everything I can to reflect the will of the American people. I will be entering into the RNPZ poll after poll after poll that shows that over 70 percent of the American people, if they are confident that we are going to secure our borders and if they are confident that these people will be brought out of the shadows, they will have to pay a fine, back taxes, learn English, and get in line behind everybody else, they support this path to citizenship after a 10-year period of having legal status in this country.

Why is it important for them to have a legal status if they have not committed crimes and they qualify? My friends, today on street corners all over America, particularly in the Southwest, there are men and women who are standing there, someone waiting to be picked up by someone and taken to repair their roof or to cut their grass or to do menial labor. Do you know what they are getting out of that? They are getting below minimum wage because they have no recourse. They have no recourse as to any mistreatment they might suffer. So we want to bring these people out of the shadows.

Yes, they broke our laws. That is why they have to pay such a big penalty. I doubt, if there is a Member of this body who at one time or another has not broken a law, but we paid a penalty for it, hopefully, and we moved on with our lives. These people have broken our laws, and they have to pay a heavy penalty.

There has been pushback, frankly, from our friends in the Hispanic community that this is too tough, this is too much for us to do. I understand that. I pushed back against them. But to somehow base this opposition on the fact that we cannot get our borders secure—it frankly is in defiance in a belief in what the United States of America can do. There have been significant failures on the border. There was a $787 million failure called SB 1070—I believe that was the name of it. That was supposed to secure our border. But I am confident that we have the technology and we have the ability and we can get this legislation through with confidence.

I see the Senator from Louisiana is waiting. I am not going to take too much longer.

The other key to this is workers. Frankly, I was not happy—nor were my friends—that we did not raise the cap higher than we did for guest workers to come into this country. But I would remonstrate my colleagues who have graduated from a U.S. college with a science, technology, engineering, or math degree and has an offer of employment will be eligible to have a green card to stay in this country.

Today, postgraduate schools in STEM—science, technology, engineering and math—the majority of the students are from foreign countries. If they want to stay here and work in this country and they have that degree, we all know there is a shortage of, we will let them.

High-tech companies will be able to bring in and keep more highly skilled workers through H–1B. The bill would raise the cap to 110,000 a year. And I am saying is that one of the keys to this is if we secure our borders and we dry up the magnet, then we have to have a way of attracting the workers we need to keep our economy going. Let’s be honest. It is pretty tough picking lettuce down in Yuma.

There are not a lot of American workers who want to do that. That has been the history of this country. Immigrants have come to this country, they have grabbed the bottom rung, and they have moved up. The bottom rung is pretty tough. We are going to have to those people as guest workers. If they want to become citizens, then they apply for a green card, et cetera.

Finally, I just want to say that the Grassley amendment would “prevent anyone currently illegally in the country from earning RPI status until effective control.” Sounds good. Let me give my colleagues the testimony from Michael Fisher, who is the Chief of the U.S. Border Patrol, who testified in February about this very issue.

First of all, 90 percent really would not make sense everywhere. We put 90 percent as a goal, because there are sections along the border where we have not only achieved, we have been able to sustain 90 percent effectiveness.
By the way, that is the case in the Yuma sector on our Arizona border. So it is a realistic goal, but I wouldn’t necessarily and just arbitrarily say 90 percent is across the board, because there are other locations. That is exactly one of the things my amendment does. It has specific provisions of hardware and capabilities that need to be installed in each section.

I thank my friend from Louisiana for her patience. I would like to again say to my colleagues that I have seen this movie before. I have been through it before. We failed in the past. We failed for a variety of reasons. This is our opportunity. If we enact this comprehensive bill now, we will remove a very huge stain on the conscience of the United States of America.

We need to bring these people out of the shadows, but we must also assure all our citizens, especially in the southern part of my State, that they will live in the environment in which we can do that. We can send a message to employers that they cannot hire someone who is in this country illegally without paying a very heavy price for doing so. That is what this legislation is all about.

I thank the distinguished chairman of the Judiciary Committee for the way he took this bill through his committee and brought it to the floor of the Senate. I am in favor of vigorous debate and discussion. We will have plenty of time for amendments and votes on those amendments. This is not a perfect bill that I am proud of. There are many ways we can improve it. But fundamentally we have the basics of a package that I believe is vitally needed for the good of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. While the distinguished senior Senator from Arizona is still on the floor, I would like to point out that during the process of putting this bill together in the committee and having the votes, we had a number of quiet meetings, bipartisan meetings in the President pro tempore. It was extraordinarily helpful to have the senior Senator from Arizona, Mr. McCain, there because I feel very knowledgeable about the northern border, living an hour’s drive from it, and we needed the Senator’s expertise on the southern border. But more importantly, he and I, Senator Kennedy, and President George W. Bush worked for hours and hours, days and days, weeks and weeks, months and months trying to get a comprehensive immigration reform bill through once before. We now have the possibility of one.

He said something every one of us can echo: It is not exactly the bill any one of us individually might have written. But by the time we get done, we can have legislation that will make America better and be true to our principles and be realistic.

I could use a lot of other adjectives, but I want to personally thank the distinguished senior Senator from Arizona.

The distinguished senior Senator from Louisiana is about to speak. Before she does, I would add that she is going to talk about an amendment I strongly support. I my amendment that support because we have a number of amendments that both Republicans and Democrats will support. I would hope that after the other party has their noon caucus, we can get to the point where we start voting on some of these.

There are a lot of amendments that Republicans and Democrats would vote for together. There are some that will be opposed on one side or the other. But either way, vote on them. Vote them up or vote them down.

Now, as manager of the bill, I can start calling up amendments and move to table. I do not want to do that. We have a lot of good amendments, a lot of good ideas from both Republicans and Democrats. Let’s get to the bill until we vote on them. The distinguished Senator from Louisiana has one. I hope the other side will let her amendment come up soon.

I yield the floor.

The PRESIDING OFFICER. (Ms. BALDWIN.) The Senator from Louisiana. Ms. LANDRIEU. I thank the chairman and the manager of this bill for his support of this particular amendment, which I hope is going to be non-controversial. It has to do with clarifying some technical parts of the law dealing with adoptees and how they are able to claim citizenship.

It does not have anything really to do with the larger pieces of this bill, but it is an opportunity to provide help and support to thousands of children, young people, and even adults who come to this country through the wonderful process of adoption, to clear up a couple of matters.

I will talk about that in just a minute, but I want to associate myself with the extraordinarily powerful comments of the Senator from Arizona JOHN MCCAiN. Without his leadership and without his strong knowledge of the issues we are dealing with, the Senate would not think the bill would be on the floor of the Senate, and I do not think we would have a chance of being on this important piece of legislation.

He particularly—along with Senator RUBIO and Senator GRAHAM but particularly Senator MCCAiN—has spent his adult life on the border in Arizona and has been in public office and has served this country so admirably in so many ways and fashions and understands this issue just about as well if not better than any on the floor.

I have had the pleasure of working with him over many years to secure the border, as the chair of the Homeland Security Appropriations Subcommittee. I can attest that what he says is actually true and factual. The border is not as secure as it could be, but it is significantly stronger and more secure than it was just 5 years ago and let alone 10 years ago.

He is also correct that we can make improvements on border security. Hopefully we will as this bill moves through, but the underlying bill itself takes huge steps in that direction by applying new resources to the technologies and that are going to help us secure the border.

Anyone who has been to the border—and I have traveled there to see with my own eyes—at the invitation of Senator MCCAiN, which was a great eye-opener to me. As a Senator from Louisiana, the only borders I am aware of are water borders. We do not have land borders like Arizona and California and Texas and other States, so it was the first time I had seen that. I was absolutely amazed and somewhat taken aback by how quickly a person could scale the fence, how quickly tunnels can be built under the fence. We do not think of our friends who are on the Republican side who are really concerned—and we all are, but they talk a lot about it. I am not sure they do as much as they talk about it, but that is my view. But they talk a lot about how to spend money wisely. Putting more agents on the border and building a higher fence is not going to do it. Senator MCCAiN is absolutely correct. What is going to do it is smart technology leveraged with the resources he has written in his bill.

So if we want to secure the border more, which is my intention—and as chair of this committee, I intend to continue leading in that way, both our southern border and our northern border, as well as providing the Coast Guard with the resources they need to interdict drug smugglers who are coming into this country.

I learned the other day—I would like to share this with people who potentially could be listening—that the Coast Guard has intercepted more illegal drugs than the entire land operation last year. They intercept drugs at a wholesale level before they even get to the country. This is about creating a perimeter that secures us against things we don’t want to come into this country—illegal workers, illegal drugs, or illegal human trafficking, which is also a concern to many people in Louisiana and around the country.

It is also important to have a border that allows for trade and commerce. We cannot lock ourselves away from the world. What Senator MCCAiN is saying is absolutely true.

We have to be the smartest Nation on the Earth to protect our borders because we are the most open society and a model of what an open society should look like. We have to have that balance of security and trade. This is important for every American.

I say to my colleague how proud I am of the Senator, and I would hope my
colleagues on the other side of the aisle would follow his good and steady advice.

Yes, this bill could be improved on the floor of the Senate, but it should not be undermined with rhetoric that makes no sense. I am hoping that some colleagues on the other side, if I would have them would have the good judgment to follow the very wise and mature leadership of the Senator from Arizona.

I would like to call my colleagues’ attention to an amendment Senator Coats and I have filed, and I am very grateful for his leadership. I know of no opposition to this amendment. I am hoping that after lunch the caucuses can meet and we can maybe take up a few non-controversial amendments that seek to clarify some provisions in the law that could be helpful to a few hundred and potentially even a few thousand Americans who desperately need our help. It is one amendment, the Citizenship for Lawful Adoptees amendment, supported by Senator Klobuchar, Senator Coats, and me. We hope there will be many more cosponsors.

It does three simple but important things. First, a couple of years ago I helped—With many of my colleagues still serving here—to pass the intercountry adoption act or the Child Citizenship Act of 2000. That was a very significant breakthrough in the adoption community.

As my colleagues know, I am the chair of the adoption caucus. We have Democrats and Republicans who support the idea that every child in the world needs a family. We try to minimize and reduce barriers to children getting family they need—either staying with the one to whom they were born, trying to help that family or, if they are abandoned, neglected, or grossly abused, by finding them another family.

Governments do a lot of things well, but raising children isn’t one of them. Parents raise children, and a responsible, loving adult is necessary for a child’s physical, emotional, and spiritual development. Both our faith and the new science tell us that. It is really non-negotiable.

A group of us worked on this, and we are proud of the progress we are making. One part of this amendment would make it clear that if a person had been adopted and is now an adult but because of some circumstances never went through the process of citizenship before this law—because we passed the law 10 years ago, any child now adopted overseas is automatically a citizen. It is as if the child was born to an American. That is what happens if you are overseas and you give birth to a child—the child is automatically American. You don’t need to go through the immigration process to bring your child over from the United States. We modeled it the same way we modeled for adopted children because that truly is what adoption is like. It is like having your own biological child.

So we made a great step forward, and we said that at the time for anybody under 18. What has happened is, before 2000, for people older than 18—and they might be adults now, they are clearly in their thirties, forties, or fifties. They were adopted as infants or young children, they never went through. Some of these individuals are being deported.

It would be like deporting a child who came from Korea at 6 months. They have never spoken a word of Korean and have never been to Korea. If they were adopted from Korea, they shouldn’t be deported to Korea. If they have committed some misdemeanor or even a felony, they should be penalized under the laws of the United States. They could be put in jail for life. For criminal activity, they should be treated like any other American. Deportation is not and should not be an option for this very small group. This amendment makes that clear.

Lawful Adoptees amendment, the Child Citizenship Act was passed with overwhelming support from Republicans and Democrats. Don Nickles, as I recall, the Senator from Oklahoma, was the lead sponsor on this bill. He was a very strong supporter of many of the things of which I was speaking. He is no longer here, but his work lives on.

The Child Citizenship Act also requires that Americans living abroad for military, diplomatic, and other reasons do not receive automatic citizenship upon entering the United States. When we wrote this bill, we intended for that to be the case, but because we put the word “reside” instead of “permanently physically present,” we have to clarify that. With that minor change, it will basically say that if you are a diplomat living overseas and you adopt a child through a lawful, legal adoption process, this act applies to you.

The thing I like about this bill is what we call the one-parent fix. There are many countries—and we hope Russia one day will again open. We hope Guatemala will one day get its 112 cases that we are still waiting for moved through very quickly.

Some of the countries are requiring—and rightly so—that parents come to the country to adopt the child physically and then bring the child to the United States. In the past things could be done through agents or through adoption agencies, etc. It is perfectly fine with that. Many adoption advocates are. Parents should travel to the country.

My sister did an intercountry adoption with Russia, so I am fairly familiar with our family’s experience, which was quite a joy—an added expense but a joy to travel to the orphanage. And some Members of Congress have adopted children and gone through that process.

The problem is that our agencies are saying—which is not according to the law, I believe—that if both parents don’t travel, that adoption is not automatic. That was never the intention of our law. We are simply saying that if one parent travels and it is a legal adoption, that law still applies. It doesn’t have to be both.

There are three minor changes to the bill that has brought to mind how many children come to the United States, and they have been such a joy to their parents. It is a help to the world in providing homes and loving support for kids who need it. It takes another barrier, another headache, and another hurdle away from them for us to encourage adoption of all orphaned children and unparented children in the world who need families.

I see the leader of the bill on the other side, the Senator from Utah. I would hope he could also be a cosponsor, if he would, and take a look at this amendment and give his support. I know there are many people in Utah, Minnesota, Louisiana, and Indiana whom this could potentially help. It is going to touch thousands of people who I think could benefit.

I will have several other amendments that I think can tighten the underlying bill, particularly for E-Verify, which Senator McCain spoke about. I wanted to get this hopefully small, uncontroversial amendment out of the way to help this small group and then turn my attention to some other things that are very important in the other underlying parts of the bill.

I ask that whenever this amendment may be considered, the Senator from Utah would ask me personally, through the Chair, if he would consider putting this amendment on the short list to be reconciled potentially today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, this week we continue a very important discussion about how to fix our broken immigration system.

One of the most important concerns we have is that the border is simply not secure. Despite the fact that this assertion is almost universally held on both the left and on the right, the bill we are debating has very little, if anything, to make the border more secure or at least to guarantee that it will become more secure as a result of its passage. Instead, the bill offers more of the same: commissions, studies, and spending lots and lots of money but requires almost no action on border security.

Many on my side of the aisle have placed heavy emphasis on strengthening the border security provisions to ensure that certain goals are met before granting permanent legal status to illegal immigrants. The reason for this is not merely academic; it is based in common sense. Failing to secure the border is the quickest way to guarantee that we repeat the mistakes we have made in the past. It means we will be back here in another 20 years dealing with a much
larger and far less manageable problem. That is what we are trying to prevent today and why we need to make sure this bill secures the border.

The problem with this bill isn’t just the weak border security measures. Even if it were to some extent a rewording of past legislation, it would still fail to reform many of the challenges we face and it makes most of them worse. If all we do is fix the border security portion, this bill is still considerably weak in four major areas and would still be unworthy of support without major changes.

First, there is no congressional oversight of how the executive branch implements these reforms. By passing this bill, Congress would turn over almost all authority to the executive branch to secure or not secure the border, verify or not verify workplace enforcement, and certify or not certify visa reforms.

Of course, the administration will begin the legalization of 11 million illegal immigrants with no input from Congress as soon as possible regardless of how much progress has been made on border security, fencing provisions, and on the other priorities outlined in the bill.

Congress is the branch of government that is most accountable to the American people. If the people don’t believe the border is secure or that our visa system actually works or that the country’s needs are being met, it is Congress that should be held accountiable. It is also Congress that can most readily be held accountable through regular elections that occur every 2 years in both Houses, with each Senator being held accountable every 6 years. Therefore, Congress must play a predominant role in approving, overseeing, and verifying these reforms, as well as ensuring that these reforms are being implemented correctly and achieving desired results. This bill, however, leaves Congress and the American people dangerously out of the loop.

Second, the bill surrenders control of immigration law to the Secretary of Homeland Security, as well as to a handful of other unelected, unaccountable bureaucrats in Washington. This is a problem that permeates the Federal Government in general. For example, last year Congress passed and the President signed into law 1,356 pages of new legislation. Meanwhile, the Federal Government published 82,349 pages of new and updated rules and regulations in the Federal Register. That is more than 82,000 pages of rules that never came before Congress, never had a chance to be considered, and never received a vote in this body.

This bill will make that problem worse by granting similarly broad discretion to the Secretary of Homeland Security to create the rules and regulations that will determine how the bill is to be implemented as well as authorize the Secretary in hundreds and hundreds of instances to simply ignore immigration law as it is enacted by Congress. While I can certainly see why Members of Congress might not want to take responsibility for the consequences of this bill, that is not how our Republic is supposed to function.

Third, there is no evaluation of the impact of this bill on the countless thousands of people who have tried to navigate our current broken immigration system. Let me cite just one example. I received a letter just a few months ago from a constituent in Utah from a person who immigrated to this country lawfully, a person who was teaching school at American Fork, UT, and here on a non-immigrant visa. As she explained, she spent years of her life and thousands of dollars making sure that she came to the country legally. But she understands that her visa will expire in a few years, in 2017. She anticipates that she will be unable to get a renewal on that same visa and that she will effectively be deported at that point—voluntarily, she has no other choice. And she anticipates she will have to go back to her home country. She explained to me it is very difficult for her to accept the fact that she has been here a few years teaching lawfully, developing friendships, and building her life here because she did it legally she will have to go home. Meanwhile, those who have broken the law by their illegal presence in the United States will not only be allowed to stay where they are, not only be allowed to stay where they now live, not only be allowed to work where they now work, but they will be put on a path toward eventual citizenship at the same time she and many others like her will have to go back to their home country.

This policy seems to be rewarding those who have broken our laws while, in relative terms, punishing those who have attempted to abide by our laws in good faith. So this bill must be fair to those here who have chosen to come to the country the right way.

As my colleague from Iowa Senator Grassley explained in painstaking detail yesterday, the claims of those who say there will be stiff penalties for those who have broken the law have proven to be almost entirely false. There is no requirement to learn English or to pay back taxes. As I said last week, and as I have said countless times in interviews, op-ed pieces, newsletters, and online—I stand here today in support of real and comprehensive immigration reform. I urge everyone to come to this debate. Perhaps such a person exists, but if that is the case, I have not met him or her.

As I said last week, and as I have said on countless occasions—in interviews, op-ed pieces, newsletters, and online—I stand here today in support of real and comprehensive immigration reform. I believe that we need to do a deal that makes the security portions incrementally better, as long as it still lacks congressional oversight, grants excessive authority to the executive branch, unfairly penalizes those who are trying to follow the law, and costs taxpayers trillions of dollars, we should reject this reform unless major changes have been made.

Some have suggested by pointing out the flaws of the bill we are letting the perfect be the enemy of the good. That vastly understates the problems in this bill. Far from good, this bill repeats the mistakes of the past. It makes our immigration system worse than the one we have today and will only lead to bigger and less manageable problems in the future. I strongly urge my colleagues to oppose it.

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Members of Congress to support a step-by-step approach to immigration reform. Let’s not hold hostage the things we can’t get done today because we are unable to iron out every contentious issue.

There are more than 40 individual pieces of immigration-related legislation that have been introduced in this Congress alone, half of which I have sponsored, cosponsored, or that I could support. Indeed, the only reason immigration reform is controversial, in my opinion, as the Senate refuses to take it step by step.

First, let’s secure the border. Let’s set up a workable entry-exit system and create a reliable employment verification system that protects immigrants, citizens, and businesses. Then let’s fix our legal immigration system to make sure we are letting in the immigrants our economy needs in numbers that make sense for our country.

We don’t need another 1,000-page bill full of unintended consequences. We need, and the American people deserve, real reform.

Madam President, I yield the floor. The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, a few months ago I met two sisters from my home State. They are Mari and Adriana Barrera. These two sisters were brought here by their parents when Mari was 4 and Adriana was 3 years old. They were raised by a single mother who spoke no English after their father left the family behind.

Growing up, their mother, who worked at a local hotel, did whatever she could to support her family, but Mari and Adriana often had to depend on themselves. Unlike other children their age, Mari told me she grew up the moment her father left. She told me about how she scheduled all of her family’s doctors’ appointments and how, at the age of 13, she started working as a hostess at a local restaurant, and not for money, as most teenagers want for their own indulgences, but to support her family.

Mari also told me when she was about to enter high school Adriana had to have life-threatening surgery, and a dream was born within herself. As her sister’s life hung in the balance, Mari realized she wanted to become a pediatric cardiologist. She wanted to help others the way she watched doctors help her sister that day, and she decided she would commit herself to getting the education and work toward that dream.

When I talked to Mari that day a few months ago it was just after she had been forced to drop out of the University of Washington because she could no longer afford it. Living in Seattle, she told me about how she had been unable to find a job to support her studies. She lacks a Social Security number. Mari’s dream, it turns out—the same as for many like her—has been put on hold. It has been put on hold because our immigration system remains broken. All those dreams have been put on hold because for far too long Congress has failed to act. They have been put on hold because, despite the fact that young women such as the Barrera sisters want to contribute to the Nation, our current system won’t let them.

It is not only stories such as those of the Barrera sisters that point to a system badly in need of reform, I see it everywhere in my home State. I see it in rural parts of my State, in cities such as Yakima and Moses Lake, where farmers can’t get the seasonal agricultural workers they need to support one of our State’s largest industries. I see it in big cities such as Seattle and Vancouver and Spokane, where high-tech businesses struggle to hire the world’s best and brightest. I see it in neighborhoods throughout my State where families have been ripped apart by a system that forces them to choose between their family and the long-term separation from the people they love. I see it along our northern border in Washington State where the need to secure a long, porous border must be balanced with smart enforcement policies that don’t use intimidation and fear as a weapon. And I see it in my State’s LGBT community—a community that badly lacks fairness and equality under today’s broken system.

But these aren’t problems that cannot be fixed. Although previous reform efforts have fallen short, this Senate is not incapable of this task, especially now. And that is because today—due to the changing demographics of our Nation, because of the growing political voice of a new generation of Americans, and because of the energy, determination, and hard work of immigration advocates in my home State and across the Nation—we are at a historic moment of opportunity. For the first time in the history of this debate there is broad bipartisan support for the system must be fixed and that a bipartisan solution is within reach.

No one in this country needs to be reminded it is a rarity here when Senators from different parties and from very different States come together to agree on common solutions to a big issue. So it is truly remarkable that over the course of the past year the bipartisan Gang of 8 has worked to craft this bill that is now before the Senate. I am so focused on four bipartisan pillars that have drawn consensus support from Members of Congress and the American people.

First, this bill includes a pathway to citizenship for the 11 million undocumented immigrants residing in this country. Many of our undocumented immigrants have lived in this country for more than a decade. They are our neighbors, our friends, our colleagues. They go to church with us, they pay their taxes, and they follow our laws.

Second, this bill provides employers certain flexibility in a system that has often left them without any answers.

Third, this bill will help continue the progress we have made in securing our borders by focusing on the most serious security threats and by utilizing new technology.

Finally, this bill helps to reform our legal immigration system so it meets the needs of our families and our Nation going forward.

These are all important steps. But this bill is only the beginning of a full, fair, and open public debate over reforming immigration in this country. And while it will get caught up in the specifics of one amendment or policy in this debate, we can’t forget about the larger questions this bill addresses, because at its heart this is a bill that touches nearly every aspect of American life, from our economy to our security, from our classrooms to our workplaces. It is about what type of country we want to be, what we stand for, and what type of future we all want to build.

These are the issues I have actually posed in meetings with advocates and businesses and leaders in meetings all over my State, both in recent weeks and going back many years. Those conversations have stirred a lot of passion, have brought new facts to light, and helped me bring the voices of countless advocates to this debate today. They have also helped me to arrive at the core issues I believe are essential to repairing our broken immigration system—the issues I will fight for as we debate in the weeks to come.

Sitting and talking about the aspiring Americans this bill will affect has made clear that protecting families must be a central part of comprehensive immigration reform. Immigration reform isn’t just about a person’s status, it is about sons and daughters and mothers and fathers and families who want to live full, productive lives together in this country. We know when workers have their families nearby they are more likely to be satisfied with their job, they are healthier, they work harder, and they contribute to our economy.

We know families are the building block of strong communities. Yet under today’s broken system, family-based immigration has been pitted against employment-based immigration, and far too often immigrant families are being forced to choose between the country they love and the ones they love. I firmly believe it is in our long-term national interest to change this approach. For immigration reform to meet our national ideals we have to keep our focus on keeping our families together, reducing those backlogs, giving women immigrants access to green cards, and reuniting immigrants with their families.

Immigration reform must also include a pathway to citizenship for the 11 million undocumented immigrants residing in this country. Many of our undocumented immigrants have lived in this country for more than a decade. These are the questions I have actually posed in meetings with advocates and businesses and leaders in meetings all over my State, both in recent weeks and going back many years. Those conversations have stirred a lot of passion, have brought new facts to light, and helped me bring the voices of countless advocates to this debate today. They have also helped me to arrive at the core issues I believe are essential to repairing our broken immigration system—the issues I will fight for as we debate in the weeks to come.
But our current system creates a permanent underclass of people that are caught between the law and earning a living. While citizenship has to be earned, it is simply not feasible to deport this entire population or expect them to turn to their nation of citizenship. We simply can’t make this pathway contingent on enforcement measures that are unachievable or unrealistic. I believe the bill before us lays the foundation for a pathway to citizenship that will bring aspiring Americans out from the shadows of citizenship. Immigration reform must also meet the needs of our changing economy. This need is perhaps best on display in my home State where the diversity of our economy creates diverse immigration needs. Washington is home to some of our Nation’s largest high-tech, aerospace, and composite manufacturing firms. These are businesses that demand a robust employment-based visa system that attracts the best and brightest from across the world. However, just across the Cascade mountains lie miles and miles of fertile farmlands and orchards that demand a flexible and pragmatic agricultural worker program. I plan to support changes that help meet both of these needs while also working to invest in job opportunities for American workers through the STEM investments that are provided in this bill.

We also need a smart and humane system to our Nation’s borders, including my State’s many land border crossings. But we must balance the necessity of securing our borders and enforcing our laws with the importance of treating everyone with dignity and respect, and that includes ensuring access to due process in our immigration hearings, restrictions on the use of unnecessary restraints on pregnant women, the use of less costly alternatives to detention whenever possible, and humane conditions and strict oversight requirements at our detention centers.

Our strategy for enforcement and border security should focus on keeping Americans safe, fighting violent crime, reducing smuggling, and stopping terrorists. We should always be doing it in a way that upholds our commitment to civil liberties and the rights of every American.

Finally, I strongly support efforts to craft a bill that will unite our Nation’s borders, by extending immigration sponsorship privileges for married binational LGBT couples. I was very proud of my home State of Washington when it voted last year for marriage equality. However, my heart breaks because each time a binational LGBT married Washingtonian is split apart because their marriage is not recognized by the Federal Government, it is just not right.

The Defense of Marriage Act has long barred equal immigration sponsorship privileges for binational LGBT couples. While I am hopeful the Supreme Court will strike down the Defense of Marriage Act, I believe we should also move decisively to include these provisions in this bill. These are certainly not the only priorities I will be fighting for in the coming days. In fact, I am hoping to offer some amendments that will help open the door to STEM education for our DREAMers and that will expand investment in our STEM education. But I also know we will see amendments that will attempt to weaken and defeat this bill altogether, because as we saw in the exhaustive and inclusive committee process, all of those who are simply bent on standing in the way of a bill that Americans want and our economy needs—those who will say or do anything to defeat this bill.

But I am confident this is a new day for immigration reform. I am confident of that because more Americans than ever before see the benefits of a modern immigration system that is coupled with the investments that help our families succeed. They see we are strongest and more prosperous when immigrant workers are contributing to our economy, when employers have the resources they need to grow, and when a path to citizenship is available to those who are already here.

Too often in this debate it is difficult for some people to understand that the millions of undocumented families in our country are already an important part of our communities. Immigrants work hard. They send their children to schools throughout this country. They pay their taxes, and they help weave the fabric of our society. In all but name they are Americans.

When John F. Kennedy was serving in this Chamber, he wrote a book about the fact that America is a nation of immigrants. In it, he wrote:

Immigration policy should be generous; it should be fair; it should be flexible. With such a policy we can turn to the world, and to our own past, with clean hands and a clear conscience.

Today, those words continue to ring true. It is not only the world we have to turn to. This effort is about living up to our own ideals. It is about, as then-Senator Kennedy said, living up to our own past.

Our history has long been that of a beacon of hope for people throughout the world, from those who arrived at Ellis Island to start a new life decades ago to the DREAMers who want to contribute and give back to the country today.

As we once again take on this very difficult task of reforming our immigration policy, let’s make sure our actions reflect our security, our economy, and our future. But let’s also never forget the past and the fact that our Nation has long offered generations of their immigrants the chance to achieve their dreams.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, reserving the right to object, I would like to explain briefly the overall situation.

We are not objecting to budget. We are not objecting to conference. We just want the debt limit left out. It is a separate issue that warrants its own debate. It is a simple request; no backroom deals on the debt limit.

I would like to focus on one particular argument we have heard from the other side. Critics argue that conference committees are transparent and that they don’t involve backroom deals. If this were ever the case, today it is not.

The purpose of conference committees is to reconcile differences in similar bills passed by the House and by the Senate. It is not the only way, but it is one way.

In theory, conference committees are an accountable and worthy means of resolving bicameral differences. But in recent years, the conference process—such as so much else in this town and in this Chamber—has become corrupted.

Today, conference committees are just another mechanism to exclude the American people from the legislative process. Secret closed doors, they usually don’t even begin until the deal is already completed, as a practical matter.

Speaker Boehner himself said recently: We don’t typically go to conference until such time that they are well on their way. The recent example was the conference last year on the highway bill. The Senate passed its bill in March. The House passed its version in April. On May 8, the conference committee met for about 2½ hours on C-SPAN, but no amendments. No substantive legislation. Members mostly gave just opening statements, but that was just the first meeting, after all—plenty of time to get to the real work.
Mr. KAINE. Madam President, given that no Member of this body made an amendment to request such a provision and therefore I was left with the 20-some days for vote either during the Budget Committee deliberation or on the floor of this body when we were debating the budget, I consider the request basically an effort to modify the budget after the vote is done.

Therefore, I reject the request, and I would ask an opportunity to comment additionally.

The PRESIDING OFFICER. Does the Senator object to the request as modified?

Mr. KAINS. I object to the request as modified.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. LEE. Madam President, in that case, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. KAINS. Madam President, I would like to comment on my colleague’s characterisation that Members of this body want a backroom deal. Because in that characterisation, he completely neglects to make clear to certainly people in this gallery what happens when there is a conference report.

Since March 23, we have been trying to take a budget passed by this body, the Highway bill, and the student loan program.

We might call it the miraculous deception.

But then at the end of it all, the Senate from Virginia.

The PRESIDING OFFICER. The Senate is heard.

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But then at the end of it all, the House and Senate passed the report without reading it and patted each other on the back for their bipartisanship.

This, unfortunately, is how Washington too often works, and it is why the American people hold Washington in such low esteem. People don’t trust the government because they know the government doesn’t trust them.

If my colleagues truly want a backroom deal on the budget, we will give them their chance to have it. We just ask that they leave the debt ceiling out of it.

But make no mistake, my colleagues and I are not objecting because we don’t understand how Washington works, as some have suggested. We are objecting because we know exactly how Washington works in this regard, and we mean to change it.

So ask unanimous consent that the Senator from Virginia modify his request so it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Is there objection to the request as modified?

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other ways that, under the rules of the Senate, would allow us to address differences in the House-passed budget and Senate-passed budget without going to conference.

We could, for example, take up the House-passed bill right now. We could debate that and discuss that. That is a way of addressing this that does not require us to go to conference. But going to conference right now under the rules of the Senate as they apply to this set of facts does require unanimous consent.

There are a handful of us who are not willing to grant that consent if in fact the possibility remains that they will use that as a back-room effort to raise the debt limit, a back-room effort that would not require utilization of the Senate’s traditional rules, including the 60-vote threshold that often applies.

You are asking us to agree with something which we fundamentally do not agree with. My friend from Virginia has also made the argument that it is somehow unreasonable of us to make this objection because of the fact that none of these amendments were brought up in connection with the budget and, therefore, we think that the argument goes exactly the opposite way. Because the debt limit was not part of the deliberations in this body on the budget, and because the debt limit was not part of the deliberations or the final text in the House body in connection with the budget, there is no need for the conference committee to address the debt limit. There certainly is no need to circumvent the otherwise applicable rules of the Senate that would govern this in this posture in this context.

Madam President, I ask unanimous consent to engage in a colloquy with my colleague, the junior Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. I ask my colleague from Texas—who has on occasion expressed similar concerns to those I have just expressed with this kind of posture—so I ask my friend from Texas, is it in fact his interest, his objective to be obstructionist? Is he trying to obstruct here and in fact being unreasonable in raising these objections?

Mr. CRUZ. I thank my friend and note that a number of Senators have raised this issue and we have discussed one thing and one thing only, which is whether the Senate can raise the debt ceiling with just 50 votes or instead whether the Senate can do so with 60 votes. That is the issue.

We are perfectly prepared to go to conference on the budget, right now, today. That is a red herring. That is not what this procedural fight is about. Every time this motion has been asked by the majority, the minority has risen to protect the rights of the minority because they believe to raise the debt ceiling it would take 60 votes, and if it takes 60 votes, that what means is that the 54 Democrats are not able to do so on a straight party-line vote, freezing out Republicans.

Right now the Democrats have stated they believe the debt ceiling should be raised with no preconditions, no negotiations, no structural changes to our out-of-control spending that is bankrupting our country.

What the minority Senators have said is that, at a minimum, if we are going to raise the debt ceiling it should be subject to a 60-vote threshold so we can have a conversation about fixing the deep fiscal and economic challenges in this country. It is indeed the majority that—I will give credit for candor—does not wish to say no, we will take the debt ceiling off the table. Because it is, I believe, the Democrats’ intention if this budget process goes to conference committee to use reconciliation as a backdoor procedural trick to raise the debt ceiling on 50 votes. I think that would be a travesty. But I think much of this debate is clouded in smoke and mirrors. Much of this debate is clouded in obfuscation. This is a simple question: Should the debt ceiling be able to be raised with only 50 votes or should it require 60 votes, which will necessitate some compromise and thus move forward?

On that question I am quite confident the American people are with my friend from Utah, are with the Members of the minority who believe that if the debt of this country is going to go higher and higher and higher, we need leadership in this body to fix the problem rather than simply putting more and more debt on our kids and grandkids.

Mr. LEE. If I might ask, Madam President, of my friend from Texas, why wouldn’t one want the usual rules of the Senate to apply? That is, why would one want to block or prevent the 60-vote threshold from applying with a debt ceiling increase, just as the 60-vote threshold applies to much of the most important, contentious, closely bargained for legislation, no structural changes to our decadent structural reform put in place as a condition precedent to that action?

Mr. CRUZ. The 60-vote threshold, as my friend from Utah knows well, was designed to protect this institution that has been called the world’s greatest deliberative body and to ensure that the minority has a role in the discussions. On this issue I think that is critically important. There are few if any issues we will address that are as important as the question of the unsustainable debt that is threatening the future of our kids and grandkids.

The natural reason why the majority would want to get around the 60-vote threshold is because without a 60-vote threshold the majority does not need to listen to this side of the house. President Obama has been very explicit, the President has said he wants the debt ceiling raised with no negotiations. The only way they can do it is to use a procedural trick to shut down the minority.

I do not believe that is consistent with our obligations to the constituents who elected us, and I don’t believe it is consistent with the responsibility of all 100 Senators to take seriously the obligation of protecting the fiscal and economic strength of this Nation for the next generations.

Mr. LEE. The Senator from Texas is a seasoned constitutional scholar, a graduate of Princeton University and of Harvard Law School. He went on to clerk for Judge Michael Luttig on the U.S. Court of Appeals for the Fourth Circuit, now general counsel to Boeing. He later clerked for late Chief Justice William H. Rehnquist on the U.S. Supreme Court.

Having argued a total of nine cases before the U.S. Supreme Court, the Senator from Texas, as a litigator in addition to being a scholar of the Constitution. So I ask my colleague a couple of questions related to that.

It has occurred to me sometimes as a lawyer myself that there are sometimes some similarities between being a Senator and being a lawyer. They are not perfect, but we are retained for a limited period of time, in 6-year increments, generally, to represent a group of people. It is our job to do what we can to act in the absence of those people. In my case there are 3 million people from my State, the State of Utah. They cannot all fit inside this Chamber and yet I am one of the people who is elected to represent them in their absence.

I ask my colleague from Texas, No. 1, how do the people of Texas feel about the idea of raising the debt limit yet again? In particular, how do they feel about the idea of raising the debt limit yet again without any kind of permanent structural reform put in place as condition precedent to that action? And finally, how do the people of Texas feel as their elected representatives, representing those people here in this body, you surrender one of your biggest bargaining chips, you abandon one of the tools that allows you to make sure we do not raise the debt limit too casually, too cavalierly, without putting in place the adequate precautions?

Mr. CRUZ. I thank the junior Senator from Utah for his overly generous comments and kind characterizations. I think the analogy he drew is quite apt. As a lawyer myself that there are some-
the floor of the Senate fighting, the junior Senator from Utah steps in their shoes to fight on their behalf. I feel confident that the citizens of Utah, like the citizens from Texas, would be horrified at the notion that this body would continue raising the debt ceiling over and over again. They would be trying to fix the underlying problem.

This Senate floor has a long and storied history. There have been great men and women, great leaders of this country, who have walked on this floor. Yet each generation goes back for centuries, has managed to avoid saddling the next generation with crushing debts. I am reminded of the very distinguished late father of the Senator from Utah, Rex Lee, who was the Solicitor General of the United States, who was widely considered one of the finest Supreme Court advocates to have ever lived. He was an individual who took the obligation of zealously representing his client deeply and near and dear to his heart.

Your father’s generation, my father’s generation, did not leave us with crushing debts, did not leave us with debts from which we could never escape. What has happened in the last 4½ years is qualitatively different, qualitatively different from what has happened in the last 2½ centuries in this country. No other generation has said to their kids, their grandkids, and to their grandkids’ grandkids, we are going to rack up so much debt they could not repay. Eventually, there comes a point where every decision to address the debt is an ugly one. There comes a point where the debt hole is so deep—as some of the nations in Europe are discovering—that the answers are either drastic cuts to spending or massive tax increases or massively inflating the currency. Every one of those outcomes is ugly, which is one of the reasons we have seen rioting in the streets, nearly every country.

Thankfully the United States is not yet in as deep a hole as some of the nations of Europe, and that is why we need leadership now to stop the out-of-control spending by addressing the underlying problem. If we keep spending money we don’t have—if any of us ran our families, our households, our businesses the way the Federal Government is run, we would be bankrupt. We would be sleeping under a bridge.

What it takes, I believe, is responsible leadership, and I hope bipartisan responsible leadership. We need Republicans and Democrats to come together to say: Let’s live within our means. That’s the moral and conservative principle. That is a principle that has been common sense in this country for centuries, and it is one, sadly, we have gotten away from in the last 4½ years.

Mr. LEE. We are talking about a procedural strategy. We are not even talking about the full utilization of the procedural rights of each and every Member of this body. We have been asked to give our consent to and effectively vote for the 60-vote threshold of the Senate. It seems to me that is troubling, and if we analogize that yet again to other circumstances where we have to represent someone else, that can be troubling.

Let’s suppose the Senator from Texas is representing a client in court—let’s say in the United States Supreme Court. For example, when the Senator is in the position of the petitioner, he has the right, as the petitioner—meaning the person filing the petition for a writ of certiorari—to seek review by the Supreme Court of the United States, and let’s say review is granted.

After review is granted, a briefing schedule kicks in and the petitioner has the opportunity to file the first brief. That is the Senator’s prerogative as the petitioner. The other side then has about a month to file its brief, and then the Senator gets something the other side doesn’t get to file—the Senator gets a reply brief.

Procedurally, under the rules of the Supreme Court of the United States, that is the Senator’s client’s right. Once the Senator has a case in front of the Supreme Court and in the middle of the briefing schedule, what would the Senator from Texas say to a client if you came to them and said: My opposing counsel has asked me to waive my right to file a reply brief even though I want to file one? They don’t ask me? To say: I cannot file a reply brief even though procedurally I have every right to do that?

Mr. CRUZ. My friend from Utah asks a terrific question. It is a question of procedural rules—whether in a courtroom or in the Senate—designed to protect substantive rights. Ultimately, this vote threshold is intended to protect the substantive rights not of the Senators—we are not here in our own stead. We are instead representing the constituents who sent us here.

What the majority is asking us to do by voting for an unadulterated vote to allow this to go to conference and to set it up for them to raise the debt ceiling with 50 votes—the majority is asking for the 46 Republicans on this side of the aisle to give away our right to speak. They are asking us to say we will cede to the majority the ability to do whatever it wishes on the debt ceiling. In giving away our right to speak, what we are giving away is not anything that belongs to us, it is the right of millions of Texans to have their voice heard.

For us to agree with the majority and say, yes, we will hand over the ability to make this decision on the debt ceiling without ever again consulting this side of the aisle would be very much like the situation the Senator from Utah asked about. I don’t know how the Senator from Utah would answer a constituent in Utah who said: Senator LEE, why did you give away my voice? Why did you simply hand to the Democrats the ability to decide how much debt the United States should have, to raise it? And why did you essentially give away my seat at the table?

It is not the seat of the Senator from Utah; it is not my seat. It is the seat of the millions of constituents in Utah, Texas, and each of our home States that sent us here. The idea that we would willingly give up their right to speak is inconsistent with the obligation we owe the men and women of Utah and the men and women of Texas.
Mr. LEE. I would suspect that in most circumstances a lawyer giving up that procedural right would be committing malpractice. Perhaps a lawyer in that circumstance could say to the client: I am going to do this because they are asking me to, but I want to get along with her. I want to make sure I maximize our chances of settling this litigation perhaps before the litigation has been completely resolved. If that were the argument opposed counsel was making to me, I suspect I would tell the client: If that is the case and our objective is to try to settle the litigation rather than wait until the Court resolves it, then by doing that and giving up that procedural right to file the reply brief, I would be forfeiting a lot of bargaining power that I would otherwise have.

And so too here we would be forfeiting a tremendous amount of bargaining power relative to the budget discussions, relative to the debt limit discussion, a discussion that needs to take place in full sunlight and not under cover of darkness. It needs to take place in the two Chambers and not in some back-room deal. That is what we are talking about. That is why these procedural rights are so important.

People can disagree with the rules of the Senate, and a lot of people do. People can want to change the rules of the Senate. And there are some who do. Some even in this body. But the fact is the rules are what they are. We have the power to make those rules under article I, section 5 of the Constitution, and we have the power to change those rules under article I, section 5 of the Constitution. But those rules being what they are, those rules being in place as they are today, and those rules having the application they do as of this very moment, people cannot ask someone to do something, or my friend from Texas to give our consent to something we think is fundamentally wrong and that we think will substantially diminish the bargaining power we have in undertaking that policy approach we think is most necessary today.

One of the questions I have been asked by some of our friends on the other side of the aisle, and a few of our friends who are even on the same side of the aisle as myself and the Senator from Texas have asked, why don't we have a Republican, so why can't you guys trust that the Republicans who control the House of Representatives will adequately secure your interests? Why don't you therefore feel comfortable, effectively forfeiting your right to a 60-vote threshold on the debt ceiling debate?

Mr. CRUZ. I think that is a reasonable question to ask. There are a number of points that are relevant. No. 1, there is a considerable history of the debt ceiling being raised through reconciliation, and, indeed, it has been done in 1986, 1990, 1993, and in 1997. So the danger that we are acting to pre- vent is not a hypothetical danger, it is a danger that has proven accurate. Those who say we will simply trust the House—the House Members were elected to represent their constituents, and each of the 435 Members of the House are individually free to exercise their best judgment to represent their constituents. Whatever they choose to do—and I would note a number of Members of House leadership have publicly on the record suggested they might well be amenable to raising the debt ceiling through reconciliation. So given their public statements, the scenario we are raising is a possibility that the House leadership has suggested may well be on the table.

But more fundamentally, regardless of what the House chooses to do, the Senator from Utah has an obligation to the 3 million citizens of Utah to represent their views. I don't think it would be responsible for him to give up his very eloquent voice or for me to give up the voice of the citizens to give up the voice of the citizens we are representing.

I am reminded of meeting an individual at a gathering of Republican women back in Texas about a month ago, an individual was a veteran who had fought in World War II. He was there, introduced to everyone, and received a standing ovation. A story was told about how he had been grievously injured in World War II. As a result of his injuries, he was in a hospital, and two doctors were debating about where to amputate his leg. They were debating whether to amputate the leg above the knee or below the knee.

This soldier was unconscious, and he awakened in the middle of this conversation between the two doctors about where to amputate his leg. This soldier began to participate in that debate. And, unsurprisingly, he had a very strong view that he would very much prefer they not amputate the leg. He expressed that view vociferously to the doctors who were having that debate. As he expressed his view, he ended up prevailing in that argument and they chose not to amputate his leg below or above the knee.

To this day he walks with a limp. He doesn't walk as well as he might if he had not been injured, but he was able to save that leg because he had a voice in that debate, because he spoke up and his impact on his leg was acutely different from the two doctors who were debating it without his voice. I think he had every right to participate in that debate because it affected him, it affected his future, and it affected his life. And just so, I think the 3 million citizens of Utah have every right to participate in this debate and not simply to be told to trust the other body of Congress. They have an independent obligation. My friend the Senator from Utah has an obligation to his constituents to make sure their voice is part of this debate.

Mr. LEE. Indeed, we each have an obligation to utilize our own voice and to make our own judgments with regard to the best course of action to take in any debate and in any discussion.

The problems in this country are significant. There is not one of us in this body who wishes to minimize them. There is not one of us in this body who is not concerned about these problems. Each of us might take, advocate, or firmly believe in a different course of action, but it is precisely because of the diversity of opinion in this Nation that this Nation is great. It is precisely because of the diversity of views that we have in this body that this body has been called the world's greatest deliberative legislative body. We need to make sure that that remains.

In order for that to be the case, it is appropriate that Members of the Senate who have a good-faith, genuine disagreement with an issue as to which a unanimous consent has been made come forward and they object.

On that basis, I object. I will continue to object as it remains necessary to ensure that the debate we have surrounding the debt limit occurs under the regular order of the Senate. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. McCASKILL. Madam President, I ask unanimous consent to speak as in moving business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Madam President, I ask unanimous consent to speak as in moving business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEXUAL ASSAULT IN THE MILITARY

Mrs. McCASKILL. Madam President, this afternoon the Senate Armed Services Committee—in fact, in less than 24 hours—we will begin working on historic changes, unprecedented changes to the Uniform Code of Military Justice in response to the serious and significant problem of sexual assault in our military.

I come to the floor before we convene to explain why I am supporting significant changes as to how we handle sexual assaults in the military but also why I am not supporting completely removing the role senior military commanders play in ordering these kinds of trials to go forward.

The discussion of this issue takes me back many years when I began prosecuting rape and sodomy cases as a young assistant DA in the prosecutor's office in Kansas City. For years, I handled dozens and dozens of these cases in the courtroom, both as an assistant prosecutor and as the elected prosecutor. I have had the opportunity, the blessing, the challenge, and the scarring that comes from holding victims’ hands, feeling their pain, the permanency of the injuries they have suffered as a result of these unspeakable crimes. I would
challenge anyone in the Senate to come to this issue with more experience or more understanding of the unique challenges this crime represents in the never-ending quest for true justice.

In my years of experience and the time I have spent with military prosecutors, victims, and civilian prosecutors, I have become convinced that the approach the Armed Services Committee will take today is the right approach to get to these predators put in prison. I believe the provision that I expect will receive a bipartisan majority of the votes in the Armed Services Committee will better empower victims and lead to more reporting. The reason it will empower victims and lead to more reporting is because these changes will lead to more and effective prosecutions.

Commanders, no woman wants to come forward and talk about this crime, and certainly no man who has been victimized in the military wants to come forward and talk about this crime. It is personal. It is private. It is painful. So it does not matter whether the perpetrator is a member of the military or a civilian: these are difficult cases to bring forward because of the intensely personal nature of the pain involved.

But in the military, we have made sure that it is not just a line prosecutor who has the ultimate authority. We need that ultimate authority, especially in the culture of our military. The other thing our reform does that Senator GILLIBRAND’s proposal does not do—and I think this is key—it creates a crime of retaliation. So if this victim comes back to the unit and retaliation occurs, the unit committing the retaliation are now subject to the Uniform Code of Military Justice and they can be prosecuted for the crime of retaliation.

I think this is a very important, direct approach. Because, ultimately, that is what most victims who do not come forward say they are afraid of: their loss of privacy and retaliation and the impact on their career.

The bill also makes many other reforms, giving victims access to legal counsel, improving the skill of personnel working with victims in the sexual assault response system, making sure victims have a voice in the clemency proceedings, and many others.

Ultimately, at the end of the day, if a victim is sexually assaulted, and they come back to their unit, is it more likely the unit will retaliate against them and make their life miserable if they had the nerve to file a case? I am not sure the case should go forward or if the commander has said the case should go forward? We do not have evidence that this is a problem right now, that commanders are refusing to file these cases. Just the opposite. We heard testimony in committee that they are demanding prosecutions in some instances where the lawyers have said no.

I believe these reforms will do a better job of getting predators behind bars and ultimately creating a more supportive environment for victims to come forward.

We are not done with this, even after we pass these reforms in committee today, and even after we pass this Defense authorization bill and it goes to the President. But I think we have the best chance of making real progress with a strong bipartisan reform that will get at the heart of the matter, with our reforms.

I believe we will continue to monitor this, and as we go forward, if more changes are necessary, I will be the first in line to work for them. But do not let anyone say the reforms we are doing today are not what is right for this. The purpose of these reforms is not the proposition that anybody, any coward who besmirches our fine military by committing these crimes—that they should not belong in prison. They belong in prison, and that is what these reforms are intended to help happen.

I thank the Chair and I assume I should yield the floor for my colleague from Colorado.

Mr. BENNET. Madam President, I wish to say, through the Chair, thank you to the Senator from Missouri for her advocacy on behalf of our service men and women. And I think she should have made no assumption about me, because I am happy to take it, if the Senator is done.

Madam President, I come to the floor today, as I did yesterday, to talk about this incredible opportunity we have before us with this bipartisan immigration reform that we are negotiating now in the Senate, in regular order in the Senate. I hope we have a process on the floor, now that we are here, that mirrors the one the Judiciary Committee had: an open process where people can offer amendments they care about, one that has a spirited debate on a variety of important issues, so the American people can have the benefit of a fully transparent and deliberative process over these important issues.

When the Judiciary Committee process alone, over 300 amendments were filed, and 200 were considered, and over 140 of them were actually adopted by the committee. That is the way this place ought to work. I think it will strengthen this bipartisan bill to continue to take other people’s ideas.

What we did not do in the Judiciary Committee, and what I hope we will not do on the Senate floor, is accept amendments that will disrupt a very carefully negotiated plan. The so-called Gang of 8 or Group of 8—four Democrats and four Republicans—who worked hard together to try to get to a place that could actually work.

Today there has been a lot of talk, and over the past few days, about the border security issues, the border in particular, and preventing future waves of immigration. I did not come down here to negotiate any particular amendments or to litigate any particular amendments. I did want to get a little bit of security. When we arrived in the Group of 8 on this issue.

The bill, as written, makes very serious investments, takes major steps to
secure our borders. I have to say the work was informed most principally by two border Senators, John McCain and Jeff Flake, both Republicans representing the great State of Arizona. As they have pointed out and as we have pointed out, we actually, contrary to some of the rhetoric around this place, have made a lot of progress over the last decade. It is not perfect, but we have moved in the right direction.

As you can see from this chart, in 1980, one of our chief concerns was border security, and immigration enforcement—this is before this bill we are talking about now that makes more investments in border security—our investment exceeded $17.7 billion. That is what the American people spent on border security, which is 23 percent higher—just on border security. That is 23 percent higher than the $14 billion we spend on all of the other Federal law enforcement agencies combined.

I think it will surprise the American people a little bit. This is what we spend on border security. Here is the Border Patrol. Here is ICE. Together that is $17 billion, a little more than that. That is more than we spent on the FBI, the DEA, the Secret Service, the U.S. Marshal's Service, the ATF, all of those law enforcement agencies. All of them combined in 2012, before we pass the law that is in front of us, that is what we spent protecting the border.

To hear some people around here talk about how we just negligible, the thinking of that, the notion of that money made a difference. One would think none of the increased border agents have made a difference. Well, as of January 2013, the U.S. Border Patrol had 21,370 agents in total, 18,000 of whom are on the southwest border. From 1980 that represents a ninefold increase. It is nine times the number of agents we had. We had roughly 2,000 in 1980; today we have roughly 21,000. That might be a reason border crossings are down as much as they are.

In fact, we are about net zero this year in terms of people coming across our southern border and leaving. Now, there are still areas on the borders where we need to do more, like in Arizona's Tucson sector. Senators McCain and Flake were kind enough to take some of us down to the border to see what was really happening, to understand the topography down there, the difficulty of building a fence from one end of the border to the other. There are places where fences have been incredibly effective, like in San Diego. There are other places we are going to need other technology to be able to secure our borders in an efficient and thoughtful manner.

I have others who have concerns in this area will meet with these border Senators and listen to what they have to say about how we can improve the situation on the southern border. What our bill calls for, in addition to the increases resources is that with the passage of the bill, the Secretary of Homeland Security is required to develop and submit to Congress a comprehensive border strategy and fencing strategy.

We appropriate in this bill $4.5 billion in addition to this money you saw up here, $4.5 billion for these strategies. The goal of this plan is to achieve persistent surveillance and enforcement at or near high-traffic border areas. These are places on the border where lots of people try to get into the United States. I can tell the border. I have seen it with my own eyes. When Senator McCain took us down there, we actually saw someone come across the border. We saw somebody climb the fence while we were standing right there. I have a photograph of it on my cell phone. That person was apprehended within about 30 seconds of getting across the border.

It shows it is an issue we need to continue to manage, but it is good news that we have seen the improvement we have. I think these goals will be met. I am convinced by the conversations I have had with my own colleagues and with others that the objectives we have laid out to create this 90-percent effectiveness rate in the high-traffic areas is achievable; that it is achievable with the technologies we propose.

If there are changes that can be made during this discussion to improve that, I am all for them. But if the goals are not met, people will say: Well, you say it is going to happen. What if it does not happen?

Here is what happens: In 5 years, if it has not happened, a southern border security commission will be established to make further recommendations about how it is we can secure the border, with representation from the border States themselves. We appropriate another $2 billion in this bill for the commission's recommendations, if, in fact, we ever have to get to a commission, which I hope we will not, and I expect that we will not.

I have heard people say one of the big problems with this bill is it is just like 1986 all over. I was not here in 1986, so I cannot take the credit or the blame for what happened in 1986. But it is a serious critique and a reasonable critique of that bill; that it did not do anything to stop the future flow of immigrants and illegal immigration in this country. That is a very fair critique.

It is not a fair critique of our bill because our bill deals with the border security I talked about, as well as internal security measures in the United States of America that were completely absent in the 1986 effort. This bill includes a universal E-Verify system. We crack down on employers who hire undocumented workers. That alone will reduce dramatically the incentive of people to cross the border illegally. If they know all across America that small businesses can run a biometric card or other ID through a database to verify whether other people are here lawfully or not, and in an instant know whether they are here lawfully instead of engaging in this game that has been played for decades in-country where people with false security cards are able to come in and get a job and then a year or 18 months later, the employer finds out the Social Security is no longer available, that is going to dramatically disincentivize people from crossings the border.

The small business owners I know are very happy with this because they are tired of being the immigration police. They are tired of feeling like they went the extra mile to figure out whether someone they hired on E-Verify took us down there, we actually saw someone come across the border. We saw somebody climb the fence while we were standing right there. I have a photograph of it on my cell phone. That person was apprehended within about 30 seconds of getting across the border.

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If there are changes that can be made during this discussion to improve that, I am all for them. But if the goals are not met, people will say: Well, you say it is going to happen. What if it does not happen?

Here is what happens: In 5 years, if it has not happened, a southern border security commission will be established to make further recommendations about how it is we can secure the border, with representation from the border States themselves. We appropriate another $2 billion in this bill for the commission's recommendations, if, in fact, we ever have to get to a commission, which I hope we will not, and I expect that we will not.

I have heard people say one of the big problems with this bill is it is just like 1986 all over. I was not here in 1986, so I cannot take the credit or the blame for what happened in 1986. But it is a serious critique and a reasonable critique of that bill; that it did not do anything to stop the future flow of immigrants and illegal immigration in this country. That is a very fair critique.

It is not a fair critique of our bill because our bill deals with the border security I talked about, as well as internal security measures in the United States of America that were completely absent in the 1986 effort. This bill includes a universal E-Verify system. We crack down on employers who hire undocumented workers. That alone will reduce dramatically the incentive of people to cross the border illegally. If they know all across America that small businesses can run a biometric card or other ID through a database to verify whether other people are here lawfully or not, and in an instant know whether they are here lawfully instead of engaging in this game that
miraculously, finally, we are going to actually know who is coming in and out of the country.

As we begin to phase in a biometric system, it will build upon the other efforts being taken to track visitors in a way we have not been active. We are going to become more secure. We will finally know who is in this country and who should be asked to leave the United States of America.

So, in my view, border security is not a reason to oppose this bill. As I said earlier, we are open to changes, but we already have very strong border measures in this bill. I do not want that to be overlooked. I think when people hear that we need to spend billions and billions and billions of dollars more, they should know that we are already spending billions of dollars down there. Some of it has been effective; some of it has not been effective. I would say let's do what is effective, let's not do what is ineffect, and let's not over-spend at a time when we have the budget issues that we are facing.

In conclusion, as the USA Today editorial board has written:

Unlike 1986's political sleight of hand—

There is not a lot of love lost for the 1986 bill, as you can tell.

Unlike 1996's political sleight of hand, this year's legislation is a tough, credible plan for preventing a new surge of illegal immigration. A quest for unattainable perfection should not be allowed to undo the good that it would achieve.

I wish I could say this was a place that did not let the perfect be the enemy of the good. We seldom ever get to the good. But in this case, I think we have gotten to a place that is very good. We should move forward together to get this done. Still that important message to the people who are presently in our country unlawfully. We should move forward together to the good. But in this case, I think enemy of the good. We seldom ever get to the good. That did not let the perfect be the enemy of the good. We need a system of tracking visas of the people who come into the country, tracking when they should be leaving the country, and looking to see if they have exited the country. It is an existential threat to our national security system. Why is this important? There is one simple way to underscore it to answer that question, and that is to remind us that the 9/11 terrorists, every single one of them, were visa overstays. They were dangerous people who came into our country on valid visas, overstayed their visas, plotted against us, and ultimately caused horrendous death and destruction on 9/11.

What do we do about that situation? We need a system of tracking visas of the people who come into the country, tracking when they should be leaving the country, and looking to see if they have exited the country. It is an existential threat to our national security system. This sort of system is technologically possible. It is definitely possible to fund and put in place. It is primarily a question of political will.

Unfortunately, even after Congress mandated this multiple times to no effect, even after 9/11 and other terrorist attacks, we haven’t mused the political will to demand to make this happen. For over 17 years, we have demanded that we have a system that is fully in place. Because, quite frankly, there isn’t sufficient trust of just the administration saying so, some certification from any administration—not just this one but any administration. It has to happen and Congress has to say, yes, that is in place, and then that change in legal status can go forward.

We talk a lot about border security, and, of course, usually we focus on the southern border, for obvious reasons. That is where the numbers are. That is where the greatest flow is. But when it comes to national security, this is a vital component of enforcement. This is a vital component of border security, and so we need to get this right. We need to remember 9/11. We need to heed the recommendation of the 9/11 Commission. It has been since 1996 when Congress mandated this, and we need to make it stick. The only way to make it stick, in the context of this bill, is to demand it is done, it is completed, verified, including by Congress, before any change in legal status happens.

In closing, I also wish to express strong concern and opposition to Leahy amendment No. 1183, which is currently on the floor and up for consideration. That amendment would give exceptional and, in my view, exceptional favor to particular O and P visa applications, which are generally for renowned professors, researchers, doctors, Oscar winners, entertainers, and performers. It would specifically waive a fee associated with a visa.

I think it is problematic because we depend on all of these fees to fund this system and this enforcement system which we are trying to improve. I find it ironic we would waive this fee for that class of individuals, who are absolutely the most well-heeled and the most capable of paying it. We would give that class of individuals special status and a waiver of a relatively modest fee and, in the process, hurt the funding for the entire enforcement system.

I think that is misguided when we are trying to build up enforcement when we are trying to get this done and pay for all that enforcement. I think it is misguided to waive this fee for exactly the sort of visa applicants who are in a position to pay it.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, one of the things I have found intriguing, and was glad to hear, was the bill sponsors of S. 744—the comprehensive immigration bill—indicated they had a plan that would move the country to a more merit-based system of immigration. They made that promise.

It is something I advocated in 2007. I had the opportunity to meet with the chairman of the Canadian system while in Canada and we talked about their merit-based system. It is a very significant system, a major change in how they handle immigration in Canada. He was very pleased with it. Fundamentally, they sought to admit people into Canada who would do the best, and who would flourish in Canada, so they gave points for people with more education, people who already spoke English, people who had the job skills Canada needs, younger people, and matters such as that. It was designed to serve the Canadian national interest. It has been in place for a number of years now, it actually works, and they are very happy with it.

So when I heard this might be a part of the immigration reform bill, I was pleased. It is important to emphasize, first, that merit-based immigration is separate from the doubling of the guest workers who come in under the bill. Because guest workers come in under other categories. I am referring now to immigrants—people who come to the country with plans to stay permanently. The merit-based system, as I understood it, was to focus on that group and rightly so. The merit-based provisions don’t include the temporary workers. They have their own category.

But when I actually review the bill, it is clear this promise of a merit-based system is not met. The promise is not met to any significant degree. It is another case of the Congress overpromoting and selling something that is popular, but when one reads the bill, it is not there. So I wish to talk about the legislation and go through it on this particular subject.

The bill is 1,000 pages and deals with quite a lot of issues and each one of them are very important. The merit-based system has had almost no discussion in the process so far and it needs to be discussed. It is the reason, I believe, we would be better off to have brought up pieces of legislation that deal with the characteristics of the people we would like to have enter the country in the future, to deal with border security, to deal with the visa system, to deal with workplace enforcement, and to deal with internal enforcement, individually and separately.

But, no, we have this monumental 1,000-page bill that has almost nothing in it. The sponsors say: We have taken care of this problem. We have taken care of border security. We have taken care of the visa system, and, by the way, we have a great plan. The system is going to be merit based and

The proponents of the legislation have said the bill decreases annual family-based immigration by reducing the cap on family-based visa systems. These are immigrants who come to the country based on relationships with people here. They say: We will reduce that from 226,000 to 161,000. However, the bill actually increases overall family-based immigration by allowing an unlimited number of visas each year for children and spouses of green card holders to go to their father by allowing the visas that would have gone to them under the old system to be used by other family-based visa applicants.

The bill also does not change current law, which allows an unlimited number of family-based visas for parents of U.S. citizens each year. One of the largest and fastest growing chain migration categories is parents. According to the Department of Homeland Security, 124,210 parents adjusted their status to legal permanent resident through this category.

Canada does the opposite. Canada says it benefits more if they have young people come. They have a full working life, they pay into the pension plans, and that is fine. That works well. But they give less points for older people for the very same reason.

This is a big increase we are seeing there. And the number of merit-based visas allowed in contrast to family-based visas under the bill. So the total number of merit-based visas in this category is much smaller than the family-based visas in this legislation.

For example, the new merits section allows for up to 250,000 a year. These are people who would apply and claim they have certain merit qualities that justify being ranked higher on the list. That is almost exactly the number of petitions that the U.S. Citizenship and Immigration Services currently receives every year in just sibling and married sons and daughters family-based visa category. So the 250,000—the maximum number under the merit system—is almost exactly the same as the number of brothers and sisters and married sons and daughters in the family-based category.

According to the liberal group the Center for American Progress, the annual flow of family-based immigrants will be over 800,000—three times higher than the number of merit-based visas offered each year.

The Migration Policy Institute notes this:

The Senate bill would lift numerical limits and increase the number of permanent visas issued on the basis of nuclear family ties.

The Migration Policy Institute effectively and correctly notes this:

The Senate bill would dramatically expand opportunities for low- and middle-skilled foreign workers to fill year-round longer term jobs and ultimately qualify for permanent residence.

So this is a serious matter. Does the bill move to a merit-based system or does it dramatically expand immigration of low- and middle-skilled foreign workers to fill long-term jobs and move to qualify for permanent residence? I think there is no doubt about it. The Migration Policy Institute is correct in that analysis. It would be so good if we had moved a lot further in the merit-based system, but the bill just doesn’t.

The bill’s proponents also suggest that the bill reduces chain migration by eliminating siblings—brothers and sisters—and married sons and daughters family-based categories from the family-based visa system. However, the bill awards points in the new merit-based system to siblings and married children, allowing the same chain migrants to receive merit-based visas ahead of many highly skilled and educated merit-based visa applicants. So what I am saying is that the merit-based system gives points, but it also gives points if you have family here—a lot of points.

The proponents of the bill argue that the merit-based system will ensure that more highly skilled and educated aliens will receive visas because the point system favors education, employment, and English proficiency. However, points are also allocated for nonmerit-based factors, such as family ties, civic involvement, and by virtue of being an alien from a country from which few aliens have emigrated. That is sort of like the former diversity visa.

The merit-based visa system favors chain migrants over highly skilled and educated applicants by allocating more points to nonmerit-based factors.

Let’s look at it. For example, an alien who wants to apply to the United States who has a college degree, a 4-year bachelor’s degree, is given 5 points because they have more education. However, an alien who wants to come to the United States can also receive 5 points for simply being a national of a country from which few aliens have emigrated. Also, if you are a sibling of a citizen of the United States would receive the same amount of points as an alien with a master’s degree—10 points—and 5 more points than an alien with a college degree. So this brother or sister would also receive more points than an alien with 3 years of experience in an occupation requiring extensive preparation, such as a surgeon.

So what I am saying is that through a backdoor way they claim they have a merit system, but the advantages are given based on family connections. So we could have two people from Honduras apply to come to the
United States. One was valedictorian of his high school class, has a 4-year college degree, speaks English, and is anxious to come to America and go to work, and the other one dropped out of high school, doesn’t speak English, and doesn’t even have a high school degree. Well, if that one had a brother in the United States, he would be accepted before the more educated student graduate. I think that is wrong.

In the future any brother or sister of a citizen would receive the same amount of points as an alien lawfully present and employed in the United States in an occupation that requires medium preparation, which can include air traffic controllers, commercial pilots, and registered nurses. But this is only a fraction of the chain family-based migration that will occur over the next 10 years under this legislation because the 1 million illegal immigrants who are given green cards and even citizenship will be able to bring in their families as well over time, and they can be approved on an expedited basis.

For example, there are an estimated 2.5 million legal immigrants who would benefit under the DREAM Act provisions of the legislation. If they came here as children, they get accelerated process; they will be eligible for citizenship in 5 years. Again, that 2.5 million will be able to bring their parents also. DREAM Act beneficiaries will also be able to bring in an unlimited number—without any count of spouses, siblings, children, and those spouses, children, and parents will get permanent legal status in an additional 5 years and will be eligible for citizenship in 10.

An estimated 800,000 illegal agricultural workers today would become legal permanent residents, green card holders, in 5 years and will then be eligible to bring in an unlimited number of spouses and children. An estimated 8 million more illegal immigrants who are here today would be given legal status, including recent arrivals from as late as December of 2011. Millions of visa overstayed persons will receive legal status and work authorizations.

These 8 million will be able to bring in their relatives as soon as 10 years from now, and those relatives, over time, will be able to bring in spouses, children, and parents. None of those will come in on a merit-based system. They are not depending on their education. They are not depending on their health. They will just be able to come under the rules that will be set forth in this bill.

There are an estimated 4.5 million aliens awaiting employment and family-based visas under current cap limitations. We have 4.5 million who are applied to come, but there are limits on how many people can come per year under the current law. But large parts of those caps and limits will be completely eliminated under the legislation. 4.5 million more are waiting out outside of America for their time to come will be cleared over a period of years, not subject to the family-based annual cap, thus freeing room for more family-based migration that would be subject to an annual cap.

Over the next decade the bill would legalize well over 30 million applicants. Colleagues, we need to understand that. Under current law, our processes call for the legalization of 1 million people a year. We are the most generous Nation in the world, but you and I know the bill will pass. So, we will be giving permanent legal status to 30 million people in the next 10 years. Over 2.5 million of those people would be through the new merit-based system. So out of 30 million, only 2.5 million would be under the merit-based system, and even among those 2.5 million, many will be admitted because they get extra points for being family members.

But there is a larger issue as well. Median income has declined in America since Congress last considered immigration reform. Income in America for working Americans has been declining, I hate to say it, but it is true. We have seen recent statistics. From 1999 to today we have seen an 8-percent reduction in real take-home pay of working Americans. Some say that for the first time in years, the middle class is a basic erosion of the salary base of working Americans. That is very serious. Yet this bill roughly triples the annual flow of legal immigrants—largely low-skilled legal immigrants, not high-skilled college graduates—doubles the flow of temporary guest workers, which is an entirely separate group from the one I have been talking about. Do my colleagues have any concerns about how this will impact the falling incomes of our middle-class American citizens? Has any thought been given to that? Has anybody considered that if we bring in more people than the economy can absorb, this will create unemployment, place people on welfare and dependency, deny men and women the ability to produce an income sufficient to take care of their families, make them dependent because we simply don’t have enough jobs? Well, we don’t have enough jobs now. That is an absolute fact. We had an increase in unemployment this last month. We had a decline of 8,000 jobs in manufacturing. The bulk of the increases in jobs was in service industries, such as restaurants and bars, and part-time workers.

We have a serious problem, and our colleagues need to be asking themselves, can I justify this kind of huge increase in immigration when we can’t find jobs for current Americans? And what about the millions of living in poverty today and chronically unemployed? What about the nearly one in two African American teenagers who are unemployed today? They need to stand up at the workforce, but if they have to compete against somebody who came here under a work visa program who is 30 years of age who would be glad to work for minimum wage or lower, they don’t have a chance to get ahead.

Can one of the sponsors explain to me the economic justification for adding four times more guest workers than proposed in the bill in 2007 at a time when more than 4.6 million more Americans are out of work today than in 2007? Can one of the sponsors answer this basic question: How will this legislation protect American workers? How will it help them? Oh, it may help some meatpacker or some large agribusiness. They may get a gain from it. But will it help the millions of middle-class working Americans who need jobs, need pay raises, need to be able to have health care and retirement benefits? I am worried about that. We need to talk about that. Some people are talking about it on the outside, but it is almost not discussed within this Chamber.

Will the flow of this many new workers raise wages or reduce wages? Will it make it harder for a husband or a wife, a son or a daughter, a grandchild or a granddaughter to get a job at a decent wage? Wages going down, unemployment is up—the lowest percentage of people in the workforce in America today since the 1970s. How can we justify this? Somebody needs to talk about it.

We have 4.5 million who have family-based visas under current cap limitations. If we have a 4-year college degree, speak English, and are anxious to come to America and go to work, and the other one dropped out of high school, doesn’t speak English, and doesn’t even have a high school degree. Well, if that one had a brother in the United States, he would be accepted before the more educated student graduate. I think that is wrong.

In the future any brother or sister of a citizen would receive the same amount of points as an alien lawfully present and employed in the United States in an occupation that requires medium preparation, which can include air traffic controllers, commercial pilots, and registered nurses. But this is only a fraction of the chain family-based migration that will occur over the next 10 years under this legislation because the 1 million illegal immigrants who are given green cards and even citizenship will be able to bring in their families as well over time, and they can be approved on an expedited basis.

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President: The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I suppose when some of us raise a lot of questions about this legislation and point out shortcomings in it that some question our sincerity. When we say we need a piece of legislation, we might be questioned by a lot of people who are listening. That may also sound like we question the sincerity of the Group of 8 when we raise questions about this bill that they worked hard to put together.

I don’t question their sincerity, and I do believe that legislation must pass the Senate.

There are those of us who have said for such a long time that the system we have is not satisfactory, we cannot maintain the status quo, we have to be working for a product. All of us in the Senate are working toward a product. There is a difference of what that product should be in the final analysis.

Today that Senator argued that poll after poll shows Americans support a legalization process if—and that is a very important “if”—people pay back taxes, pay a fine, and get at the end of the line, and if we all agree. I pointed out before that the problem with the legislation before us, as well intended, is that people do not really have to pay back taxes, or a fine, or go to the end of the line, and secure the benefits.

So those polls are misunderstood if the practical effect of the language in the bill makes it possible that those things may never happen, even though it is well intended that they ought to happen. Nobody disagrees they ought to happen.

I will probably be somewhat repetitive, but I want to remind my colleagues, as I take a few minutes to discuss this, how the authors have tried to sell this particular immigration bill and what I see as false advertising. You see, the American people are being sold a product. In fact that is what politics is; it is the sale of ideas. A political party does not have any reason to exist if it does not have good ideas. Then the idea is to get in a position to put those ideas into effect.

This product is being sold, and I wish it comes out the way they say it does, but I have some questions about that. The American people are being asked to accept a legalization program. In exchange, they would be assured that the laws were going to be enforced. Normally, consumers are able to read the labels, things they are about to purchase. They may have read 1,175 pages to really know what is truly in this bill. Even a quick read of the bill would have many shaking their heads in confusion.

This bill is full of delegations of authority to the Secretary, possibilities for waivers, things of that nature—that really would be well down the road after the President signs legislation that you are really going to know how it is being carried out.

We have all heard the phrase “the devil is in the details.” At first the proposal the bipartisan group put forward
sounded reasonable, but we need to examine the fine print and take a closer look at what the bill really does. As I noted yesterday, I thought the framework held hope, but I realize the assurances of the Group of 8 made did not really translate when the language of the bill emerged.

They professed that the border would be secured and that people would “earn” their legal status. However, the bill as drafted is legalization first and enforcement later, if at all. So I would like to dive into these details and give a little reality check to those who expect this bill to do exactly what the authors promise.

I have on this chart four points that I would like to make and statements that have been made about this legislation.

No. 1, they say “people will have to pay a penalty” to obtain legal status. The reality is the bill lays out the application procedures, and on page 972 a penalty is imposed on those who apply for registered provisional immigration status. Those are the words in the bill for legalization. We refer to that as RPI. It says those who apply must pay $1,000 to the Department of Homeland Security.

What is the certainty of getting that $1,000? For instance, it waives the penalty for anyone under the age of 21. Yet, on the next page, it allows the applicant to pay the penalty in periodic installments that shall be completed before the alien may be granted an extension of status.

In effect, this says the applicants have 6 years to pay the penalty. Six years is how long it takes to get RPI status, and at the end of 6 years, they have to extend it.

In addition to the penalty, applicants would have a processing fee. That level is set by the Secretary. So here we have two instances of excessive delegation of authority to the Secretary. The bill says the Secretary has a discretion to waive the processing fee for any “classes of individuals” she chooses and may limit the maximum fee paid by a family.

The bill doesn’t require everyone to pay a penalty. It doesn’t require anyone to pay it when they apply for legal status. In fact, they may never have to pay a penalty.

No. 2, they say “people have to pay back taxes.” Who is going to argue with the fact that people have to pay back taxes to receive legal status? The reality: Members of the Group of 8 stated over and over again their bill would require undocumented individuals to pay back taxes prior to being granted legal status. However, the bill before us fails to make good on that promise. Proponents of the bill point to a provision in the bill that prohibits people from filing for legal status “unless the applicant has satisfied any applicable federal tax liability.” Doesn’t that sound right? Absolutely it sounds right. As always, the devil is in the details.

There are two important weaknesses with how the bill defines “applicable federal tax liability.” The first one is: The bill’s definition to exclude employment taxes, such as for Social Security and Medicare. For a lot of people, that may be the only taxes they pay, but they don’t have to pay Social Security and Medicare taxes. Second, the bill does not require the payment of all back taxes legally owed. What it requires is the payment of taxes previously assessed by the Internal Revenue Service. Well, there are a lot of problems with the IRS assessing somebody for taxes if they have been in the underground, as an example. In order to assess taxes, it is quite obvious the IRS must first have information on which to base its assessment.

Our tax system is largely a voluntary system, relying on everybody to self-report the back taxes owed rather than collect payments. But it also relies on certain third-party reporting, such as wage reporting by employers. That is why we get a W-2 form at the end of every year, so we and the IRS know exactly how much is paid and so they can figure out what more we might owe or how much we might get back.

If someone has been working unlawfully in this country and working off the books, it is likely that neither an individual return nor a third-party return will even exist; thus, no assessment will exist and no taxes will be paid. Similarly, it is very unlikely any assessment will exist for those who have worked under a false Social Security number and have never filed a tax return. A legal obligation exists to pay taxes on all income from whatever source derived, and nothing in this bill provides a requirement or a mechanism to accomplish this prior to granting legal status.

One of the Group of 8 members in January said:

Shouldn’t citizens have to pay back taxes? We can trace their employment back. It doesn’t take a genius.

While it may be a well-intended statement, it obviously meets the test of common sense, but I showed how difficult it is to make that happen. The other side of the aisle, for instance, is going to argue that establishing a requirement that everybody pay real taxes owed rather than taxes assessed is unworkable and costly. They will also claim imposing additional tax barriers on this population could prevent undocumented workers and their families from coming forward in the first place.

But the sales pitch has been clear: To get legal status, one has to pay their back taxes. So let me provide a reality check. This bill doesn’t make good on the promises made.

Let’s go to the third item on the chart. “People will have to learn English.” The reality: The bill, as drafted, is supposed to ensure that new Americans speak a common language. Learning English is a way for new residents to assimilate. This is an issue that is very important to Americans. Immigrants before us made a concerted effort to learn English. The proponents of the bill claiming their bill fulfills this wish.

However, the bill does not require people here unlawfully to learn English before receiving legal status or even a green card. Under section 2101, a person with RPI status who applies for a green card only has to pursue a course of study to achieve an understanding of English and knowledge and understanding of civics.

If the people who gain legal status ever apply for citizenship—and some doubt this will happen to a majority of the undocumented population—they would also have to pass an English proficiency exam, as required under current law. So, yes, after 13 years, one could have to pass the test, but the bill does very little to ensure that those who come out of the shadows will cherish or use the English language. The reality is English is not as much of a priority for the proponents of this bill as they claim it.

The fourth thing on the chart: They say “people won’t get public benefits” if they choose to apply for legal status.

The reality: Americans are very compassionate and generous people. Many people can understand providing some legal status to people here illegally, but one major sticking point for those who question the legalization program is the fact that lawbreakers could become eligible for public benefits and taxpayer subsidies.

The authors of the bill understood this. In an attempt to show that those who receive RPI status would not receive taxpayer benefits, they included a provision that prohibited the population from receiving certain benefits. There are two major problems with this point in the bill.

First, those who receive RPI status will be immediately eligible for State and local welfare benefits. For instance, many States offer cash, medical, and food assistance through State-only programs to “lawfully present” individuals.

Second, the bill contains a welfare waiver loophole that could allow those with RPI status who receive Federal welfare dollars. The Obama administration has pushed the envelope by waiving the requirements of the welfare block grant known as Temporary Assistance for Needy Families to be provided to noncitizens.

The other key amendment, during committee markup that would prohibit the U.S. Department of HHS from waiving various requirements and the Temporary Assistance for Needy Families Program. His amendment would also prohibit any Federal agency from waiving restrictions on eligibility of immigrants for future public benefits. But the reality check for the
American people are there are loopholes and the potential for public benefits to go to those who are legalized under the bill.

Again, the devil is in the details, and I hope this reality check will encourage passage of this bill to fix these problems before the bill is passed by the Senate. The American people deserve truth in advertising.

I want to speak about the provision that deals with the commission. Aside from the promises to pay taxes, etc., one of the authors of the immigration bill before us stated early on that if the Department of Homeland Security has not reached 100 percent awareness and 90 percent apprehension at the southern border within 5 years, the Secretary would lose control of the responsibility, and it will be turned over to the border governors to get the job done.

The fact is the border governors and the commission they serve with are not going to have any power, and that is the point I am going to make. There was a lot of talk about how the Secretary would be pushed to fulfill the congressional mandate to secure the border, but yesterday how this Secretary said: We don’t need to secure the border. It is already secured. But at the end of the day, as far as this bill is concerned, the legislative text doesn’t match up with the rhetoric.

The commission created is not made up primarily of border governors, doesn’t have any real power, and the Secretary is not held accountable for not getting the job done. Again, it is false advertising.

The bill states that effective control—and those words “effective control” are the legal language in the bill—of the border is the ability to achieve and maintain “persistent surveillance and an effectiveness rate of 90 percent or higher.” It defines the effectiveness rate as “the percentage calculated by dividing the number of apprehensions and turn backs in the sector during a fiscal year by the total number of illegal entries in the sector during such fiscal year.”

First, the bill only states that effective control requires “persistent surveillance.” It does not require 100 percent awareness.

Second, there is nothing in the bill that turns over the issue of border security to border governors if the Department here in Washington, DC, is unable to secure the border. The bill provides for a commission to be created if the Secretary of Homeland Security tells Congress she has not achieved effective control in all border sections during any fiscal year within 5 years. The southern border security commission is then created with the primary responsibility to make recommendations to the Secretary. There will be no impact of the commission. While border States have a seat at the table, only 4 of the 10 members need to be southern border Governors or appointed by them. The members are allowed travel expenses and administrative support. They have to have some knowledge and experience in border security.

The commission is required to submit recommendations to the President, the Secretary, and the Congress with specific recommendations for achieving and maintaining the border security goals established in the bill. The members have 6 months to come up with a plan to achieve what the Secretary failed to do in 5 years.

The bill does not grant the commission any grand or impressive authorities. The bill simply states that the commission shall make recommendations. Nothing in the bill requires that the recommendations be acted upon or implemented by the administration.

The bill provides $2 billion to the Secretary to carry out the recommendations made by the commission. But, again, there is nothing in this bill that obligates the Secretary to take any further action on those recommendations. Why not then give the commission actual authority to enforce border security? Then, if we don’t do that, why create the commission at all?

In recent years, we in Congress have become accustomed to outsourcing our work. We have a responsibility to legislate. The executive branch has a responsibility to enact. These are basic tenets of government.

The commission called for in this bill is kind of irrelevant. This administration and any future administration must get the job done, no outsourcing the job to some commission, no excuses. This is so important because we quote these polls, and I refer to the polls the senior Senator from Arizona referenced before he made his remarks. They are all based upon certain propositions. They are well intended, but they do not provide the certainty they are going to be carried out, and legalization is based on that—the same for the polls that say people want the borders secure.

So this commission ought to have some power if the Secretary isn’t going to act. But already the Secretary has the responsibility to see that the border is secure. She has testified it is secure, more secure than it has ever been, but I think the facts are that it has not been and we need to do better. For us to say to the American people, it must be based upon the proposition that the border be secured first and then legalization.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Nevada.

MR. HELLER. Mr. President, there is very little disagreement about the fact that America’s immigration system is broken and in need of reform. For far too long, our immigration system has punished those who come to this country to pursue the American dream and play by the rules while rewarding those who do not respect our laws. As a result, our Nation is suffering. That is why it is important for this body to have an open and transparent amendment process as we move forward on this immigration reform legislation and try to find what is broken with our immigration system.

The unique impact of this broken immigration system more than my home State of Nevada. Nevada is a top destination for travelers all over the world, and it is an international hub through which tens of millions of people pass each year. Our State benefits from the cultural diversity of Filipino, Cuban, Chinese, and Armenian communities, just to name a few, and we are couched between two States that border the country of Mexico.

Las Vegas is known for McCarran International Airport, which sees tens of millions of international tourists each year and is merely a short drive away from Los Angeles, San Diego, and Phoenix. Nevada’s unique location highlights the need for our flawed immigration system and open to the exact same problems faced by other southwestern border States such as Arizona, Texas, California, and New Mexico.

Despite the fact that Nevada is, in many respects, a border State that copes with the exact same immigration problems facing a State such as California, this bill in its current form excludes Nevada from the list of States that are eligible to join the southern border security commission. So my amendment No. 1227 would include Nevada with other southwestern border States whose Governors would comprise the southern border security commission.

This amendment ensures the commission created in the underlying bill is fully representative of issues affecting southern border and Southwestern States. Although Nevada does not top the southern border States in demographics and State issues are reflective of other southern border States, and Nevada should have a voice on this commission.

The problems of our immigration system are not simply geographic problems of latitude and longitude. They impact my home State in profound ways. I encourage my colleagues to support this commonsense amendment. As I have said, this immigration reform legislation is important, and we have the opportunity to provide much-needed solutions to the problems with our immigration system. But we must also ensure the bill does not make matters worse by creating more confusion and placing heavier burdens on the economy and on the people.

My home State of Nevada continues to lead the Nation in high unemployment, bankruptcies, and foreclosures. It is absolutely critical that this immigration bill does not hinder Nevada’s already struggling economy.

That is why I filed two amendments, amendment No. 1234 and amendment No. 1235, which will help to safeguard
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Mr. CORNYN. Mr. President, let me start by complimenting the Senator from Nevada on his concerns with regards to staffing at our ports of entry, airports, and seaports. We have similar challenges, even at our land ports in Texas where legitimate commerce and tourism is taking place but which is being inhibited because of hardship or inconvenience arising out of a lack of staffing and infrastructure at those ports of entry.

I have come to the floor to talk about an amendment I intend to offer, which I have over the last couple of days, which uses many of the same standards the underlying Gang of 8 bill does. Let me explain.

Of course, the Gang of 8 represents the Republicans and Democrats who came up with the original framework that then was adopted, by and large, by the Judiciary Committee, which is the base bill we are talking about today. But both the Gang of 8 bill and the results amendment which I will introduce will require DHS to submit a report to the Homeland Security and Government Reform Committee within 60 days of the enactment of the underlying bill detailing how DHS intends to implement this biometric exit system.

Requiring DHS to outline its implementation plan will provide the necessary guidance and clarity to airports that will be required to comply with the system as well as ensuring they provide the necessary staffing at these airports in an effort to minimize the impact on the flow of travelers. Additionally, my amendment No. 1235 will require the Secretary to report on a wait-time reduction goal and increase, as deemed necessary by the Department, the number of Customs and Border Protection officers so airports with high volumes of international travelers can process them in a timely manner.

Under this amendment, DHS will be required to develop a viable plan to reduce wait times by 50 percent at airports with the highest volumes of international travelers. Wait times for international travelers at McCarran International Airport in Las Vegas are already significantly high, largely due to a lack of Customs and Border Protection officers. This amendment will help to alleviate these wait times and to reduce the congestion that is discouraging travel and ultimately hurting our economy.

The underlying bill is far from perfect, but as GEN George Patton famously said, “A good plan executed today is better than a perfect plan executed next week.” The amendments I am filing today will increase government transparency and help to make sure this bill does not add more confusion to the immigration process, which would only make the problems with our immigration system worse. Time.

I urge my colleagues to join me in that effort by supporting these amendments.

With that, I yield the floor.
familiar to many of us because he has served as a Member of Congress, a member of the Drug Enforcement Administration, and as Under Secretary for Border and Transportation Security at the Department of Homeland Security—told the Washington Post that the border security requirements of the amendment are both “reasonable and attainable.” In fact, Hutchinson said my amendment “only requires security measures that are attainable in the near future.”

Another expert, Cato Institute scholar Alex Nowrasteh, who is a strong supporter of the underlying Gang of 8 bill, said my amendment is “very much in the vein of the rest of the bill.” He also confirmed that it would be, indeed, possible for the Federal Government to attain 90 percent apprehension rate along the southern border.

As for the biometric entry-exit system and the E-Verify requirements, if a nationwide biometric entry-exit system and E-Verify component—this on the ports and in the air, but we cannot improve that border and put in place triggers that are not specific and achievable. We can measure whether there are 20 drones at the border. We can measure whether we have X miles of fence. But if we say, then, that it has to be at this certain rate every year, we are taking away that path to citizenship, through no fault of those who have tried to implement better border security.

So I say to my colleagues, we certainly want to improve the border, but we cannot improve that border and put in place triggers that are not specific and achievable. We can measure whether there are 20 drones at the border. We can measure whether we have X miles of fence. But if we say, then, that it has to be at this certain rate every year, we are taking away that path to citizenship, through no fault of those who have tried to implement better border security.

Second, we do have triggers in our bill, but they are achievable and specific because this bill is a careful compromise. We want to do two things. We want to have border security, absolutely. I have always said a watchword on border security for much lower cost.

We do that in three ways. One is the E-Verify system. We both agree that should be in place before there is a path to citizenship. One is fixing up exit-entry. The way my colleague has fixed up exit-entry, it could take 20 or 25 years before it is in place. We cannot, should not, and will not tell those who have waited in the shadows for so long that they should wait for 25 years. Those are the estimates. We can do this on the ports and in the air, but we need a better bill, which we have worked on, for land entry.

Finally, at the border itself, we have put a large amount of money in there. We have been guided by Senators McCaIN and PLake—because the Arizona border has more people passing through it than any other—as to what we should do.

We emphasized the ability to put in new technologies—drones that can track everyone who crosses the border and track them on land. We do it for a lot less money. But, unfortunately, one of the triggers that my colleague, my good friend from Texas, has put in place would make a path to citizenship—even if all the other metrics were put in place—ifly, possibly yes, possibly no. That is unacceptable. We need to do both.

Should there be a new person who comes into office, we have to do it in a different Senate, a different House, under the proposal of my colleague from Texas, not one single person could achieve citizenship, even if we had improved the border in many different ways.

So I would say to my colleagues, we certainly want to improve the border, but we cannot improve that border and put in place triggers that are not specific and achievable. We can measure whether there are 20 drones at the border. We can measure whether we have X miles of fence. But if we say, then, that it has to be at this certain rate every year, we are taking away that path to citizenship, through no fault of those who have tried to implement better border security.

So I say to my colleagues, we cannot accept his amendment, plain and simple. We welcome proposals on border security. I know there are many on the other side. I have spoken to four or five people who have worked on those proposals, but the very same amendment, the very same proposal that was defeated in committee by a bipartisan vote of 12 to 6 is not going to revitalize an immigration bill, which has plenty of life already. It is not going to strengthen a bill. It could indeed kill it.

Mr. CORYN. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. So I would urge that we go back to the drawing boards. If the Senator from Texas has a different proposal, obviously, I would look at it. This one is, unfortunately, one that we have tried, rejected, and will not lead to either comprehensive immigration reform in the broader sense or a path to citizenship in the most immediate sense.

Mr. CORYN. Mr. President, will the Senator yield for a question?

Mr. REID addressed the Chair.

The PRESIDENT. A time of 3:45 p.m.

Mr. REID. Mr. President, I am happy to allow a colloquy between the two Senators—questions or otherwise—but I have a consent request that Senator GRASSLEY and I have been waiting to do some time. So once we complete our work, I would hope the two Senators would engage in whatever conversation they want. I have also been told that perhaps Senator LEAHY, the manager of this bill, may want to say something.

Mr. President, I ask unanimous consent that the following amendments be in order to be called up before the Senate: Thune No. 1197, Vitter No. 1228, Landrieu No. 1222, and Tester No. 1196; that the time until 4:30 p.m. be equally divided between the two managers or their designees for debate on these amendments and the Grassley amendment No. 1195; that at 4:30 p.m.
the Senate proceed to vote in relation to the Grassley amendment; that upon disposition of the Grassley amendment, the Senate proceed to vote on the order listed; that there be no second-degree amendments in order prior to the votes; that all five amendments be subject to a 60-affirmative vote threshold; and that there be 2 minutes equally divided in between the votes, and all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Is there objection to this request?

Mr. GRASSLEY. I object.

Mr. REID. It is my understanding—

Mr. GRASSLEY. Will the Senator yield?

Mr. REID. Yes. My friend has a consent request I understand he wants to propose.

Mr. GRASSLEY. I ask unanimous consent that the pending Grassley amendment be set aside and the following amendments be in order to be called up: Thune No. 1197, Vitter No. 1228, Landrieu No. 1222, and Tester No. 1198; that the time until 4 p.m. be equally divided between the managers or their designees for debate in relation to the pending Grassley amendment No. 1195 and the pending Leahy amendment No. 1183; further, I ask that at 4 p.m. the Senate proceed to vote in relation to the Grassley amendment; that upon disposition of the Grassley amendment, the Senate proceed to vote in relation to the Leahy amendment; that there be no second-degree amendments in order prior to the votes; that there be 2 minutes equally divided in between the votes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I am somewhat surprised at this request. How many times have we heard the Republican leader say on this floor and publicly that the new reality in the Senate is 60? So I say it. And here we have offered—the McConnell rule? Sixty votes on everything.

Mr. LEAHY. Mr. President, if the Senate would yield on that point, I was privileged as President pro tempore to speak to the graduating class of pages, the group of pages who graduated just ahead of the distinguished group we have here now. There had been discussion about immigration reform, the distinguished Republican leader spoke and went on at great length to the pages about how these important issues must have 60 votes on everything, must have 60 votes on amendments and so forth. I am sure the distinguished Senator from Kentucky would confirm that is what he said. There were 100-and-some odd people in the room who heard him say it. And here we have offered—the distinguished majority leader has offered to have everybody vote and two votes by Democratic Senators, all under exactly the same rule, the rule Senator MCCONNELL proposed.

We have talked and given great speeches that we have all given time and time again both in the committee and on the floor. I would like to have votes on something so we can finish this because, frankly, given my choice of spending the Fourth of July week in Washington—salubrious as the weather is—or being in Vermont for the Fourth of July, I would much rather be in Vermont.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I still have the floor. I am sorry we have had this disagreement, but I would say to everybody that there are other ways of having simple-majority votes. If there is an objection to this, we will have to go to that.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would note that Senator GRASSLEY just offered in a few minutes to commence voting on two amendments in the normal way we proceed. I think that was a very reasonable request. We have to be careful. These amendments represent important changes to a historic piece of legislation. We cannot just throw up a second-degree amendment on the beginning, when people have not had time to digest them. So I think that as we proceed, we are going to need to be sure that it is not some situation where people are bringing up an amendment and it is suspended on an hour or so later. People have not had time to fully digest it. I think the offer by Senator GRASSLEY is very reasonable.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, while the Senator from New York is still here, I would like to respond briefly and in a nonconfrontational way. But I would hope that on something as important as this, we are operating from the same facts and not based on erroneous information or erroneous assumptions.

First of all, my understanding is the Congressional Budget Office has not scored the underlying bill. As I said earlier, on page 872 of this bill, a comprehensive immigration reform trust fund is created, and $8.3 billion is transferred into that trust fund. My amendment would transfer the money to fund the requirements of my amendment.

This notion that somehow having a biometric entry-exit system costs $25 billion is completely detached from any factual information I am aware of. My staff informs me, based on our best estimate, that a biometric entry-exit system at airports and at seaports would cost roughly $80 million a year. We are more than happy to share that information with our colleagues and have them take a look at it.

Further, I know there has been an assumption that somehow there has been a figure of 10,000 new Border Patrol agents mandated. That is an incorrect reading of it. The underlying bill calls for 3,500. We plus that up, we do, by not only Border Patrol but also customs and border agents to help facilitate the flow of legal commerce across Arizona, Texas borders, and elsewhere, which creates about 6 million jobs in America.

So I do not mind us having a disagreement about policy. We are used to that. That is fine. I do not care if these claims about extravagant expenses are not borne out by the facts. We would actually rely upon the same money that the trust fund created by the underlying bill does.

I would yield to my friend from Arizona.

Mr. MCCAIN. I would ask my friend from Texas, if you are adding additional either Border Patrol or Customs agents in addition to what is already in the underlying bill, where does your money come from? We are talking about personnel costs that are incredibly expensive. So I would ask him
Mr. SCHUMER. Mr. President, it is quite arguable that the entire trust fund is used up by those 6,500. That would mean no drones. That would mean no helicopters. That would mean none of the other things. It may mean no fencing that we add to the border.

So my suggestion from Arizona is exactly correct.

The cost here—my good friend from this side of the aisle, Senator GRAHAM, estimated this morning that the total cost would be $8 billion. I think if you add a type of land-based technology, it goes up another $7, $8 billion. We do not have that kind of money.

So I would suggest to my colleague that if he wants to add 10,000 Border Patrol—which most experts have told us will not do close to as good a job as the drones and the helicopters and the more mobile assets. And the reason is very simple. He knows as well as I do. He knows the border better than I do. We do not have roads on most of the border. What is Border Patrol going to do? There are no roads. They are impassable. A drone flying 10,000 feet above can see every person who crosses the border, track them inland, and if they go to a gathering point 25 miles inland, land, and apprehend them.

So the bottom line is that not only is the cost of this amendment probably exceeding the trust fund by itself, but it will take a highly efficient way of preventing people from crossing the border and replace it with an inefficient way that no experts I have talked to—again, maybe my colleague has—no expert I have talked to says the best way to control people from crossing the border illegally—which I desperately want to do—works better with a huge amount of personnel, unallocated. We do not even know—if I ask my colleague where they are going to be assigned, which sector, where they are going to work, I bet there is no answer.

The bottom line is very simple. We have carefully thought this through. We think we have maximized the effectiveness for about one-third of the money our colleague is talking about. It is only one of many reasons this amendment was defeated by a bipartisan group, a majority in committee.

So let’s move on. Let’s move on. Let’s look at how we can make the border more secure. I am open to that. But this amendment, for a variety of reasons is a nonstarter.

Mr. SCHUMER. Mr. President, what is this—the third day this bill has been on the floor? There has been no scoring of the bill by the Congressional Budget Office, so no one knows what the official scorekeeper of the Congress has to say about this bill. But I would say that my amendment does not appropriate any additional money other than the money in the bill. Indeed, this leaves it up to the Department of Homeland Security to say how to do a plan, and then under the underlying bill, you can transition after 10 years from RPI status—registered provisional immigrant—to legal permanent resident by substantial completion of a plan we do not know anything about.

I mean, I do not think we are the experts in how exactly this should be done. I would hope that technology, and that is what my amendment actually asks for, that technology can do. I am exited about the prospects of technology when it comes to 100-percent situational awareness and allowing the Border Patrol to do a good job. But you have to have personnel who show up and detain people when they come across illegally. My State has the longest border with Mexico—1,200 miles. Arizona has its own challenges. We have our challenges as well. So we do need more personnel.

But the part that I would think is sort of baked into the underlying bill is that we also need to separate the legal commerce and tourism that is beneficial to both sides of the border. That is part of why the Customs agents who are included in my amendment are also there as well, the theory being—I think it is a good one—if you identify legitimate commerce and beneficial tourism and separate that from the bad guys, then law enforcement can focus more on the bad guys. That is what my amendment attempts to do. It is no additional money.

Mr. MCCAIN. You are adding personnel into your amendment. The money has to come from somewhere. Where is it coming from? You are saying it is “reallocated.” From where is it reallocated?

Mr. CORNYN. It comes in the same trust fund that is created on page 872 of the bill.

Mr. MCCAIN. There is a finite amount of money that is authorized. If the Senator takes money from one and adds money one place, it has to come from somewhere else. That is simply first grade mathematics. I think it is incredible that the Senator should stand there and say: Yeah, we are adding these thousands of personnel, but there is no additional cost. That is not possible.

Mr. CORNYN. If I can explain to the Senator from Arizona, this is the trust fund created by the underlying bill on page 872.

Mr. MCCAIN. With a finite amount of money in it.

Mr. CORNYN. It is $3.3 billion. They allocate some of that money for the purposes set out in the underlying bill. My amendment reallocates some of that same trust fund for other purposes, including additional personnel. There is no additional money. This is an appropriation made in the underlying bill. So I think it is a misunderstanding of what my amendment is.

Mr. SCHUMER. How many extra personnel does he ask for in his amendment?

Mr. CORNYN. The underlying bill calls for 3,500. We ask for a plus-up of another 6,500.
isn’t it true that somehow to allege that we said there could be no changes is patently false?

Third, isn’t it true this amendment would break the agreement that was a hard-fought agreement? We are willing to compromise and make agreements in certain areas but not to a bill that billions and billions of dollars are added to, especially in the area of personnel, when we have gone from 4,000 members of the Border Patrol several years ago to 21,000. We are adding National Guard to the border.

Personnel is not the challenge, whether it be the Texas border or the Arizona border, what the challenge is, is to use the technology that is existing so we can surveil and intercept. That is what this bill is all about; is that true?

Mr. SCHUMER. I thank my colleagues for those questions, and they are all pertinent, the way the Senator from Texas constructs the trigger, there will be no one who will ever achieve a path to citizenship because he leaves out turnbacks. If we don’t have turnbacks—that is 90 percent effectiveness in the bill, or you want to say any one of the Group of 8 said we can’t change the bill. We welcome changes to improve it. What happened in committee proves that.

The third point, I would say to my colleagues, since the Senator from Texas constructs the trigger, there will be no one who will ever achieve a path to citizenship because he leaves out turnbacks. If we don’t have turnbacks—that is 90 percent effectiveness in the bill, or you want to say any one of the Group of 8 said we can’t change the bill. We welcome changes to improve it. What happened in committee proves that.

To say the proposal of the Senator from Texas allows a path to citizenship—it makes it virtually impossible. Therefore, again, I would say I wish to improve border security. I am open to suggestions. I appreciate that the eight Senators who are Democrats and four Republicans, put it together. They were saying it was closed. Isn’t it true that when the bill came to the Judiciary Committee, isn’t it true there were 301 amendments filed in the committee?

Mr. SCHUMER. That is exactly the right number, as I recall.

Mr. LEAHY. Isn’t it true that 136 of those amendments were then adopted?

Mr. SCHUMER. My count is exactly the same.

Mr. LEAHY. Forty-nine of those amendments were proposed by Republicans; is that not correct?

Mr. SCHUMER. We are so proud of that fact, Mr. Chairman.

Mr. LEAHY. Is it possible to say that of the eight Senators we have talked about, four of them, two Democrats and two Republicans, serve on the Judiciary Committee? They were helpful in voting for most of these changes that were changes to the original; is that not correct?

Mr. SCHUMER. I agree. That is the right count. There were four of us there, and we did just as the chairman said.

Mr. SESSIONS. Would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from New York controls the floor.

Mr. LEAHY. To finish putting my question to the Senator from New York, I wish to make sure, because I thought I heard some comment that this was a closed process, and I appreciate that the Senator from New York agreed it was anything but.

Mr. MCCAIN. May I be recognized.

Mr. SCHUMER. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I hope the Senator from New York understands what the Chief of the Border Patrol said on this issue of 90 percent effectiveness. We are going to hear this over and over.

In a hearing on February 26, 2013, at a House Homeland Security Committee hearing, the Chief of the Border Patrol—not the Secretary of Homeland Security—said:

First of all, 90 percent wouldn’t really make sense anywhere. . . . We put 90 percent as a goal because there are sections along the border where we have not only achieved, we’ve been able to sustain 90 percent effectiveness. So it’s a realistic goal but I wouldn’t necessarily and just arbitrarily say 90 percent is across the board because there are other locations where there is a lot less activity and there aren’t a lot of activity because of terrain features, for instance.

So where it makes sense we want to go ahead and start parsing that out within those corridors and within those specific sectors.

That is why we think that what we came up with in this legislation is effective control, 100 percent surveillance, and the use of technology, which
Mr. PORTMAN. The ranking member of the Finance Committee, member of the Judiciary Committee, I was told I could speak even before that, but then the majority leader came out to the floor to do some important business, and I was put back. I have about 5 or 10 minutes in which I would like to talk about E-Verify, as indicated earlier, and border security.

I would defer to my colleague as long as my other colleagues would allow me to speak separately. Mr. HATCH. I thank my friend from Ohio. I am happy to proceed. I appreciate that.

I would ask unanimous consent that the Senator from Ohio may speak and give his remarks immediately following mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I wish to take some time today to talk about immigration before us, its flaws, and what needs to be done to fix it.

I first wish to note that I voted in favor of reporting this legislation out of the Senate Judiciary Committee. I worked in good faith with my colleagues to secure the inclusion of provisions addressing things such as high-skilled immigration and a new agricultural visa program. Indeed, throughout the Judiciary Committee process, I was a willing negotiator on many important issues surrounding this bill. In general, I am in favor of immigration reform, and I wish to see this bill succeed.

I also wish to commend my colleagues for their work on this legislation so far. Up to now, I think that process has been fair. It has been transparent and bipartisan. I believe, bipartisanship, and I hope that will continue now that the bill is on the floor.

It is important we continue to work on a bipartisan basis because the bill is far from perfect. One can’t look at it and think it is perfect. In my view, there are a number of issues that need to be addressed before this legislation is ready for final passage.

During the Judiciary Committee’s consideration of S. 744, I introduced four amendments on issues that fail under the jurisdiction of the Senate Finance Committee. At that time I stated that my continued support for the bill is contingent on whether those issues were addressed before final passage. Those four amendments are on here on the floor, with the hope I can work with my colleagues to address these concerns.

I want to say upfront that, despite what will likely be several claims to the contrary, these are not poison pill amendments. I have no desire to weaken the bill or to threaten its prospects for final passage. Indeed, I think my four amendments will make it easier to pass the bill with strong bipartisan support, not only here but in the House.

Senator RUBIO, a member of the Gang of 8, is a cosponsor on these amendments. I appreciate his willingness to work with me on these important issues. He has been the one singular person, in my opinion, who has had an open mind and has been willing to work on these issues with both sides.

He deserves a lot of credit for this bill, because he knows it is not there yet. I know he wants to do the right thing. I can only hope other proponents of this legislation will be willing to do the same.

Each of my amendments is designed to ensure illegal immigration for a change in status are not awarded special privileges and benefits under the law. I don’t want to punish these immigrants. I simply want to make sure they are treated no better or worse than U.S. citizens and resident aliens with respect to Federal benefits and taxes.

Let me take a few minutes to describe each of my amendments.

My first amendment is designed to ensure compliance with Federal work requirements. As we all know, last July, during the height of the Presidential campaign, the Department of Health and Human Services issued an information memo to States allowing them to waive Federal welfare work requirements. We now know that HHS attorneys have concluded that the HHS Secretary has the authority to waive almost any prohibitions on Federal welfare spending that exist under current law—certainly a false interpretation.

Under a longstanding provision of Federal welfare law, noncitizens are banned from receiving cash welfare assistance for their first 5 years in this country. Under S. 744, that 5-year ban is extended to registered provisional immigrants, or RPIs, and blue card holders. However, under current interpretations of the law by HHS, the Department could choose at any time to ignore this restriction and provide benefits to these groups of noncitizens. My amendment would simply clarify the law to make clear the Obama administration does not have the authority to allow States to waive these longstanding restrictions and ensures welfare benefits are not awarded to noncitizens as a result of this bill.

As I stated, this is not punitive. This is not designed to punish any illegal immigrant seeking a change in status. It is, instead, designed to preserve the balance that exists under current welfare law.

Some critics of the underlying bill have claimed it will allow illegal immigrants to receive welfare benefits, and when you couple the bill with HHS’s recently claimed waiver authority, these critics actually have a point. My amendment would protect the bill from this type of criticism. That is a step in the right direction. I think it will bring people onto the bill, but, make one thing clear: No one who is currently eligible to receive welfare benefits will be denied them as a result of this amendment. Instead,
this amendment does something we should have done long ago, which is to assert the prerogatives of the Congress in the face of executive overreach. There is no question that with its information memo permitting States to waive the work requirements, the Obama administration overstepped its statutory authority. We now know officials in the administration were working through ways to circumvent key features of welfare reform for years, including how and on whom requirements the Obama administration overstepped its statutory authority. We now know officials in the administration were working through ways to circumvent key features of welfare reform for years, including how and on whom Federal welfare dollars can be spent. So we know they believe they can allow States to spend Federal welfare dollars on noncitizens, and I don’t think it is far-fetched to conclude that at some point they will allow States to spend Federal welfare dollars on noncitizens.

Congress needs to act to prevent this and future administrations from engaging in this type of overreach. That is the purpose of this amendment.

My second amendment would apply a 5-year waiting period for immigrants to become eligible for tax credits and cost-sharing subsidies under the Affordable Care Act or the so-called Affordable Care Act. Under current Federal law, most lawful permanent residents or green card holders must wait 5 years before they are eligible for most means-tested benefits, including Medicaid and the Temporary Assistance for Needy Families. However, the bill does not apply this 5-year waiting period to the premium credits and subsidies offered under the Affordable Care Act. From enough, the bill does not allow RPIs and blue card holders to access these benefits. But once they become lawful permanent residents, they can access them immediately. This is a serious oversight that essentially creates a class of people entitled to Federal benefits and a huge expense to this government. My amendment would correct this oversight and put the Affordable Care Act subsidies in the same class as other Federal welfare programs.

This is only fair. After all, even those who were U.S. citizens at the time the health law was passed have had to wait nearly 5 years for the law to go into effect so they could access these credits and subsidies. Those who would, under this bill, be placed on a path to citizenship should be required to do the same.

The amendment also prevents nonimmigrants who are not on any path to citizenship from accessing these benefits. My amendment would apply the same rules to nonimmigrants, as those who would, under this bill, be placed on a path to citizenship should be required to do the same.

Once again, my goal with this amendment is not to punish any immigrant applicants or deny them benefits they might be entitled to under the law. I simply want to ensure we are not creating a new class of people with special access to Federal benefits. We can prevent that by imposing the same waiting period on Affordable Care Act subsidies we apply to other federally means-tested benefits.

My third amendment would help to preserve the Social Security system. Under current law, for a worker to be eligible for Social Security benefits they must be classified as "fully insured" or "permanently insured." To be become insured, a worker accrues quarters of coverage during the years they work in the United States. S. 744 is unclear as to whether it would allow an illegal immigrant who obtains a change in status to claim years of unauthorized employment to determine their eligibility for Social Security benefits.

Indeed, this bill is entirely silent on this matter. Once again, this is a glaring oversight in the legislation that needs to be rectified in order to preserve the integrity of the Social Security system. My amendment makes it clear non periods of unauthorized employment for an employer cannot count an employee’s quarters of coverage and, thus, they cannot be used to determine eligibility for Social Security.

This is not a matter that can be simply overlooked. If someone was not authorized to work in the country but made the calculated decision to work anyway, using a made-up or stolen Social Security number or if someone overstayed their visa and worked anyway, they should not have been working and paying into the Social Security system. Consequently, they are ineligible for benefits until they become citizens.

Once again, there is nothing punitive involved with this amendment. It only applies to a body of people—RPIs or the so-called Temporary Assistance for Needy Families—who have been very important and will be very important in this debate, and I am certainly hoping my colleagues on the other side will recognize that and help to pass them. But this fourth amendment would modify provisions in the bill relating to back taxes to include all income and employment taxes owed by immigrant applicants.

For the past few months, proponents of this legislation, including members of the so-called Gang of 8, have been claiming that, as a condition of being put on a path to citizenship, illegal immigrants will be required to pay back taxes. This claim was repeated in the Halls of Congress, on Sunday morning talk shows, and in casual conversation. As a response to arguments the bill would provide amnesty for illegal immigrants. However, under the current draft of the legislation, this promise goes largely unfulfilled.

My amendment would require RPI applicants to demonstrate they either have no obligation to pay back taxes or to actually pay the back taxes they unlawfully owe. It also requires them to remain current on their tax obligations once they obtain the change in status. Once again, this is only fair. Some may claim it is punitive, but that is absurd. Is it punitive to ask immigrant applicants to live up to the same standards and requirements imposed on citizens and legal residents?

When a citizen decides to leave the United States and renounce their citizenship, they often face taxes on income earned in the United States and on any gains from appreciated assets. Is it punitive to apply a similar standard for those seeking U.S. citizenship? Think about that: When a U.S. citizen decides to leave the United States and renounce their citizenship, they often face taxes on income earned in the United States and on any gains from appreciated assets. That is not punitive. The answer, of course, is that it is not punitive.

My amendment would not punish any immigrant applicants. It would simply ensure they pay no more and no less than U.S. citizens and resident aliens in the same economic position.

In addition to claims that requiring the payment of back taxes is punitive, some have already said it would be impossible to enforce because the applicants won’t be able to determine what they owe in back taxes. This too is extremely misguided. The IRS is well experienced at estimating the tax liability for people who cannot, for whatever reason, lack the records that normally support a tax return. They do it for U.S. citizens. Why can’t we do it for people who now want to be on a path for citizenship but who haven’t played by the rules? It just makes sense.
IRS is able to construct returns and estimate tax liabilities for nonfilers who are U.S. citizens and resident aliens. The same process can be used for immigrants looking to certify they no longer owe any Federal taxes. That is not a tough thing to do. It is something they do for the IRS every day.

It may very well be that a number of these people didn’t make enough money to pay any taxes anyway. But they should at least have to be honest about where they stand, and they should at least have to do what regular citizens in this country have to do. We are not asking anything more or less than that.

In the end, the only way proponents of this bill can escape the label of amnesty is to ensure immigrant applicants fulfill all their legal obligations and they are not accorded any special treatment. We are talking about amnesty here. This is the way to get rid of amnesty and to pass this bill. You simply have to say that without requiring they pay any taxes they still owe for income they earned during their U.S. residency.

I think the authors of the bill know this because, once again, they have been only too quick to require the payment of back taxes for months now. My amendment would simply fulfill the promise they have already been making. Let’s get it right. Let’s not play games.

What is more, if we put this amendment into effect, we would be reducing the tax gap. As you know, the tax gap is the difference between what is actually paid to the IRS and what taxpayers owe under the law. The most recent tax gap estimate we have is from 2006, when the tax gap was approximately $385 billion for a single year. A reasonable estimate of the tax gap is from $1 trillion. And we do have an opportunity to come together here on something that will make a real difference for a lot of people; something that, if done correctly, can do a lot of good. I hope we don’t waste this opportunity in favor of yet another political exercise.

Once again, I want to support this legislation, but I am not going to if we don’t do a better job of things like this, and I am laying down the gauntlet. I want immigration reform to succeed. These amendments will help it to succeed not only here but in the House of Representatives as well. But unless we address these four issues I have outlined today—and there are others, but these are the ones I have decided to bend my plow over—unless we address these four issues, I believe the bill is designed to fail, if not here in the Senate then in the House of Representatives. And it will deserve to fail, as far as I am concerned.

Most importantly, if we don’t address these issues, the bill will not be able to be implemented in a fair and equitable way, and I think the American people would be justifiably outraged.

I know there are some who don’t really care about these important issues. I just urge my colleagues on both sides of the aisle to support my amendments—I think it is critical that we do that if we want to work with me to find ways that I can please both sides. But I believe they are pretty straightforward amendments.

The tax gap is too big to be done by the IRS, and it can’t be done with the support of just a small handful of Republicans. As courageous as those Republicans have been, as far as I am concerned, it is going to take Members of both parties to put together the amendments that make sense, that basically show we are not for amnesty.

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I believe we are engaged in an important effort, but we have to do things the right way. I made that effort during the markup of this bill. I didn’t bring these four amendments up because they were Finance Committee amendments and probably would have been ruled out of order in the Judiciary Committee, and I agreed with my colleagues on the other side of the aisle to defer until the floor. Now, all of a sudden, I am finding there are roadblocks being put up on these very simple amendments.

Too often over the past few years the Senate majority has elected to ignore opportunities for bipartisan cooperation on issues of great importance. When the Senate first took up immigration reform, proponents of the bill said they were hoping to get at least 70 votes in the Senate. I said at the time that was an important goal, that we needed to get at least that many votes to send the right message to the House of Representatives. However, this week there are indications from the Democratic leadership that they are not willing to set those goals aside if they just get 60 votes. Well, guess where that is going to go with the House. If we get 70 votes, that puts pressure on everybody involved in this matter. And I think we can get 70 votes.

According to news reports out just today, two members of the majority leadership have indicated that they don’t want to make too many concessions to conservatives in order to get Republicans on board. Instead, they just want to focus on getting to 60 votes. Needless to say, I think that would be a serious mistake. I think there are a lot of people on this side who would like to vote for a final bill, but the amendments that are being offered like these that are basically simple, nonpunitive amendments that make sense, that basically show we are not for amnesty.

If this is going to be a political exercise, count me out. If this is an exercise to really try to resolve the amnesty issues, if it is an exercise to really try to resolve these critical issues, I can be counted in. Maybe I don’t mean that much in this debate, but if you look at some of the major sections in this bill, I have worked them out, and I will help work out this bill not only with colleagues on this side but with colleagues on the other side of Capitol Hill. But I don’t want to be stiffed at this time, and I am not the kind of guy who takes stiffing lightly.

I see some real politics at work here rather than the kind of fair working together that we have to have and that we have to start working toward if we want to really accomplish things that need to be accomplished during these next 3½ years.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Brown). The Senator from Ohio is recognized.

Mr. PORTMAN. Mr. President, I would like to join in the debate on immigration reform, and I think my colleague from Utah who just spoke makes a couple good points—one on the substance of the legislation and the need for us to be concerned about what the policy is, particularly if it relates to Federal benefits, to go to a legal status, but second about the process. I do hope the process can be an open one.

Not all of us are in the Gang of 8. Not all of us are on the Judiciary Committee. A number of us have what we think are improvements to this legislation to make sure that it does work and hope that there will be an openness to that over the next couple of weeks as we take up this legislation. It is my hope to be able to work with a bipartisan fashion, we can address some of what I see as shortcomings in this legislation.
I do believe our current immigration system is broken. I think it is far too easy for people to cross our borders illegally and too easy for folks to find work without authorization. I think it is also too difficult for those who seek to comply with the law and too easy to circumvent the law. So both the legal and the illegal part of our immigration system need fixing. It can’t keep up with the demand for legal immigration or stem the tide of illegal immigration. So I think it is essential.

As it stands now, however, I am concerned that the legislation will not provide the country with a lasting workable solution. Like a lot of my colleagues, I just heard from today Senator CORNYN talked about this. Senator MCCAIN talked about entry-exit, as Senator MCCAIN talked about, but significantly workplace enforcement. This is one area in particular that I believe must be addressed in order for us to have a successful implementation of the bill. Particularly, I would like to focus my comments today on the E-Verify system that Senator HATCH talked about, and others have talked about it today on the floor—I remain concerned about a few things. One is the eligibility for Federal security alone will address the problem. Why? Because so many people enter here legally but then overstayed their visas. It is estimated that 40 percent of those who are here illegally are here because they overstayed their visas. We are not going to solve that problem at the border.

Second, I believe that no matter how many miles of fence we build or how many Border Patrol agents we put side by side along the border, as long as there are people willing to come here for economic reasons—I think it is going to be very difficult to stop illegal immigration just at the border. We have to deal with the jobs magnet, which is why people are coming here.

This, by the way, has been a discussion over the years going back to the 1980s. Senator MCCAIN talked about the jobs magnet and the need for us to have an effective—at that point it was called the employer sanctions system. It was never put in place. That is one reason the 1986 act did not work. It has been in the debate for decades, and yet we haven’t fixed it yet.

My belief is that the underlying bill still needs to be improved in this regard. Our current employer verification system has simply failed to address some of the very fundamental problems of having unauthorized workers. So effective employment verification is essential to the successful completion of this legislative process and to any comprehensive immigration reform bill that prevents future illegal immigration.

Simply put, whatever reform we may adopt in this Congress will fail in the long run, in my view, if we don’t eliminate the magnet to come to our country to work. I believe we must have a strong and workable E-Verify system that can help solve this basic problem.

Ideally, E-Verify would enable all employers to be able to, first, verify accurately and efficiently the identity of new employees and, second, ensure their work eligibility. By ensuring that only authorized job seekers get hired, we can begin to solve the problems that Senator GRASSLEY noted this morning, undermined the 1986 reform effort and left us in the situation we face today where we have over 11 million people working and living in the shadows here in this country.

I think, in particular, I believe the E-Verify system contemplated by this legislation falls short but could be improved. While no verification system is perfect, the bill we are now considering mandates nationwide E-Verify implementation with little grace period to address the fundamental flaws we have seen in E-Verify. There is a recent study that estimates that E-Verify has an error rate for unauthorized workers of 54 percent. That means half of the folks who are not authorized to work who go through E-Verify are able to be qualified anyway. In other words, the E-Verify system is not working to detect more than half of the unauthorized workers.

In implementing the mandatory E-Verify system, we have to do more to strengthen the protections against the fraudulent use of identifiers—particularly the Social Security numbers in the employment authorization process—and we need to improve individuals’ data privacy protections in that process. The proposal before us attempts to address some of these problems through what is called a photo-matching tool. This tool is designed to allow employers to compare a digital photograph from the E-Verify system with the photo on a new hire’s passport, immigration document, or driver’s license.

Unfortunately, the verification system doesn’t have access to photos for more than 60 percent of U.S. residents who do not have a U.S. passport or immigration document, making the photo-matching ineffective. The current legislation therefore relies on the States to give the Department of Homeland Security access to driver’s licenses on a voluntary basis. There is no assurance that all or even most States will choose to participate in this. Past experience with what is called the REAL ID Act would indicate that fewer than half of the States would comply. Some say only 13 States would comply, some say 18 States would comply. The fact is, fewer than half of the States are complying with REAL ID, which would mean that on a voluntary basis, the Department of Homeland Security is not going to have the photos in their hands to use E-Verify to see if these photos are able to have photo-match work effectively for the 60 percent or fewer residents who don’t have a passport or immigration document.

We can only make this bill work better, and I am committed to trying to do that through legislation, amendments, and working with my colleagues on both sides of the aisle.

American citizenship is precious, and there are millions around the world who dream of attaining it. Our Nation deserves an immigration system that works. We can get there but only if we demand reform that recognizes the mistakes of the past—including the lack of promised enforcement from the 1986 law—and take steps to remedy those mistakes.

I am committed to addressing the deficiencies in the current legislation, and I will work on the Senate floor to help strengthen border security, deal with the eligibility issues Senator HATCH talked about, and eliminate this magnet of illegal employment. In particular, I am committed to helping ensure that E-Verify is implemented in a manner that does not curtail legal employment of unauthorized workers, protects privacy, and minimizes the burdens on employers, particularly small businesses. I sincerely hope we can get there.

I am confident that if this process is indeed open, as was discussed earlier, if it is an open process where amendments are able to be accepted, where people of good faith on both sides of the aisle are trying to get to a solution for our broken immigration system—broken both in terms of legal immigration and illegal immigration—we can in the end pass good legislation out of the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have some to the floor several times to discuss border security. Border security is so essential to people approving the legislation that we pass because most every poll shows when people want an immigration bill, it is premised on the assumption that we are going to close the broken immigration system.

I talked yesterday about my amendment, and that amendment tends to be pending. I tried to improve upon the
Group of 8 legislation on border security. I will take a few minutes right now—not very long—to discuss why I think my amendment is a good first step at restoring the faith of the American people—in this legislation, but in turn and in America.

I would like to mention why it is so important, not just for public confidence—because that is what I have spoken about in the past—but for national security and the defense of the homeland. Border security is a U.S. Border Patrol agent is a very dangerous job. A former agent said in an interview in the El Paso Times:

I was attacked one time by a group of seven men with rocks and I was pretty severely injured. Being assaulted is not really that uncommon. Whether it is rocks being thrown at you or a hand-to-hand combat situation or being shot at, it is not particularly uncommon.

We need a bill that will protect our Border Patrol agents who put their lives on the line every day and do their job of patrolling the border. They face threats and violence, and many, such as Brian Terry, from Arizona, a rancher, was killed in 2010. His family expressed frustration with the Federal Government, stating:

The disregard of our repeated pleas and warnings concerning violence towards our community fell on deaf ears, shrouded in political correctness. As a result, we have paid the ultimate price for their negligence in credibly securing our borderlands.

No one can fault someone for wanting to improve their lot in life. Husbands and wives trek across the border to make a better life for them and for their families. People yearn to be free and to make life full of liberty and happiness. People who cross the border illegally risk their own lives. They spend days walking through deserts. They fall prey to smugglers and become victims of rape and abuse. Securing the border is one of the most humane things we can do to protect the lives of those who will venture into the United States, not caring about our laws but for the sole purpose of improving their lives. That is the goal of America, a better life for all of us who were born here and as those who immigrated here.

It is dangerous crossing the border illegally for those people. We can give them legal avenues to enter this country to live, work, and raise a family. If we do not deter illegal border crossings, people’s lives will remain at risk as they are at this very hour.

Nonetheless, proponents of legalization hold to the belief that the vast majority of people who cross our border are seeking employment. Most times that is true; however, not everyone who crosses the southern border is a resident of Mexico who seeks to be reunited with family and do the jobs Americans will not do. The number of individuals from noncontiguous countries, otherwise known as “other than Mexicans,” should be a concern.

As of April 2, 2013, the “other than Mexican” numbers on the southwest border increased from fiscal year 2012 to fiscal year 2013. We know some of the “other than Mexicans” include terrorists who enter the United States via the southern border. Secretary Napolitano has testified before Congress to that very fact.

We also know some of “other than Mexicans” fail to appear for their immigration proceedings and simply disappear, lost here in this great country, the United States. Increasing bonds for these nationals would deter absconders, assist ICE and Customs to secure the border, and to make life full of liberty and happiness. But people who cross the border illegally risk their own lives. They spend days walking through deserts. They fall prey to smugglers and become victims of rape and abuse. Securities who have been killed because of gang violence or drug cartels.

Many commonsense amendments were defeated during the committee process and many amendments to beef up the border will be considered in the days ahead.

As I have said before, the bill before us only requires the Secretary of Homeland Security submit a plan to Congress before millions of people are legalized. There is little regard for the need to better secure our border. In other words, when a plan is presented, make sure the plan works. Some of them say we have done enough. The Secretary says the border is more secure than ever before. They say border security shouldn’t stand in the way of legalization.

My amendment is a good first step to stopping the flow of illegal immigration. It sends a clear signal that we are serious about getting the job done. For the Secretary who can to Congress is only worth the paper upon which it is printed. We need to take action and we need to make it a priority.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as if in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise today for the 55th time to again bring the message to my colleagues that it is time to wake up to the threat of climate change. There is simply too much credible evidence that climate change is occurring, and there is too much at risk for us to continue sleepwalking.

Our oceans face unprecedented challenges from climate change and carbon pollution. Oceans have absorbed more than 550 billion tons of our carbon pollution. As a result, they have become 30 percent more acidic. That is a measurement, not a theory.

Ocean temperatures are also changing dramatically, again driven by carbon pollution. Sea surface temperatures in 2012, from the Gulf of Maine down to Cape Hatteras, were the highest recorded in 150 years. That is another measurement. Fish stocks are shifting northward with some disappearing from U.S. waters as they move farther offshore. Fishermen who have a history of working together with Senator REED and myself have noted anomalies, and “things are not making sense out there” is the way they have described it.

In my home State of Rhode Island, the Ocean State, we put our lives and hearts into our relationship with the ocean. The day-to-day life on the coast is a proud and rewarding tradition, but it is one that is now threatened by climate change.

The waters of Narragansett Bay are getting warmer—4 degrees Fahrenheit warmer in the winter 1960s. Long-term data from the tide gauges in Newport, RI, show an increase in the average sea level of nearly 10 inches since 1930, and the rate of increase is accelerating. Sea level rise is contributing to erosion and allows storm surges and waves to wash farther and farther inland. Last year Hurricane Sandy really sped up that erosion, driving down beaches and dunes and tearing up coastal homes and roads.

The ecosystem damage, erosion, and storms are just part of the price Rhode Islanders pay for unchecked greenhouse gas pollution. We are not alone. Every region of the United States is facing similar costs.

Economists are working to calculate the costs of carbon pollution by adding up those damages of climate change. It is called the social cost of carbon because it is the cost of pollution the big polluters offload onto the rest of society. When consumers and taxpayers are forced to shoulder those costs, that is a market failure, and it is flat out unfair.

The Obama administration recently revised its estimates of the social cost of carbon. The new calculation does a better job at capturing the most recent projections for sea level rise and agricultural productivity. This is a good step toward recognizing the magnitude of the harms of climate change, and I hope it is an indication that the President is going to do more to address this problem.

Economists and administration officials are not the only ones looking at the cost of carbon pollution. Among those weighing the evidence that our climate is changing are the cold-eyed professionals of the property casualty insurance industry. Insurance and the reinsurance industry depends on getting this right. Politics has no place in their calculations. This is how they make their living.
The insurance sector has created a complete data set for natural catastrophes worldwide from 1980 up to 2011, and here is what they see: The annual number of natural disasters is going steadily up. The top three colors of each are related to weather. On the bottom, this set in red shows the events that are not related to weather. Volcanoes, earthquakes, and so forth, are not climate related. What is the overall number of catastrophes is increasing, we can see the number of these nonclimate catastrophes is constant. It is the climate-driven catastrophes that are increasing.

Here is the chart without those nonclimate catastrophes. These are the catastrophe that are related to climate driven weather. Insurers and reinsurers are looking more closely at the insurance that are related to climate-change catastrophes. These are the catastrophes that are related to climate-change. 

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Henry Waxman, the ranking member on the House Energy and Commerce Committee and my fellow cochair of our Bicameral Task Force on Climate Change, also came to address the group, as did our colleague Senator Elizabeth Warren of Massachusetts. New Engalnd, of course, know Senator Warren as a tireless advocate for everyday Americans, who is unafraid to challenge powerful special interests, and my friend Henry Waxman has carved out a unique role for himself as one of the leading legislators in the House of Representatives on this and a great number of other public health issues. I am so proud to be working with Representative Waxman.

The innovation that is taking place in my Ocean State was on full display at the Rhode Island Energy and Environmental Leaders Day. We are a leader in the development of offshore wind energy. This month the Federal Bureau of Ocean Energy Management announced the first-ever auction for renewable energy leases off the coast of Rhode Island and Massachusetts.

Our State’s Special Area Management Plan, or SAMP, has balanced environmental, commercial, and military use of marine and coastal fishery resources—of its-kind marine spatial planning process. This cooperation has protected rich fishing grounds and sped up wind energy development.

Rhode Island is part of the Regional Greenhouse Gas Initiative, nicknamed “Reggie,” along with eight other northeastern States, including the State of the Presiding Officer, I believe. Our region caps carbon emissions and sells permits to powerplants to emit greenhouse gases, creating economic incentives for both States and utilities to invest in energy efficiency and renewable energy development.

Rhode Island’s Climate Change Commission identifies risks to important State infrastructure on the effects of catastrophic events such as Hurricane Sandy and the 2010 flood.

In places such as North Kingstown, RI, the city planners have taken the best elevation data available, and they have modeled various levels of sea level rise and storm surge. By combining these models with maps showing roads, emergency routes, water treatment plants, and estuaries, the town can better plan its infrastructure and its conservation projects.

The Rhode Island Department of Health is using a $250,000 grant from the Centers for Disease Control and Prevention to help the State prepare for and address health effects associated with climate change.

Most of all, Rhode Islanders are calling for action, especially young Rhode Islanders. When I spoke at a climate change rally on the National Mall earlier this year, busesloads of Rhode Island had driven down to show support for action on climate change. Right now students at Brown University and the Rhode Island School of Design are pushing their great universities to divest their endowments of coal holdings.

I am proud of the effort we are making in Rhode Island, and I know a lot of States are working just as hard. But I say to my colleagues: Our home States are working hard. They’re tired of this inaction in Congress. Even the Government Accountability Office, known as Congress’s watchdog, has pointed out repeatedly that the Federal Government should be a better partner to those that are trying to adapt to and plan for climate change.

Sadly, Congress seems determined to be the last holdout against good sense. Some in this body choose to ignore the science and put special interests before national interests. They stifle policies that would be economically convenient to their special interests. The obstruction may be well funded by the polluters and their allies, but the majority of the American people understand that climate change is a problem, and they want their leaders to take action.

Many in Washington do recognize the need for climate action and ocean conservation. President Obama declared this June to be National Oceans Month, saying:

"All of us have a stake in keeping the oceans, coasts, and Great Lakes clean and productive—which is why we must manage them wisely not just in our time, but for generations to come. Rising to that test means addressing threats like overfishing, pollution, and climate change.

Last week, the National Marine Sanctuary Foundation hosted the 12th Capitol Hill Ocean Week, bringing marine professionals, government officials, and ocean advocates to Washington to discuss strategies for keeping our oceans and coasts healthy.

Also, last week, Secretary of State John Kerry hosted a roundtable discussion about the challenges and opportunities for ocean sustainability under climate change.

Responsible people are calling for action, such as Rhode Island’s energy and environmental leaders, the insurance and reinsurance sector, and virtually every major reputable scientific organization, such as NASA, whose scientists sent a buggy the size of an SUV to Mars and are driving it around right now on the surface of Mars. They may know something when they can do that.

Major U.S. corporations are calling for action, including Apple, Google, and Ford and Nike and Coca-Cola and organizations such as the U.S. Conference of Catholic Bishops. Heather Zichal, President Obama’s Deputy Assistant for Energy and Climate Change, made it clear to the crowd at Rhode Island Energy and Environmental Leaders Day:

"Congress has not yet delivered a commonsense, market-based solution. . . . If Congress will not act, then (the President) will.

It is time to wake up to the challenge of our time. There is a lot at stake for every State and there is a lot at stake for every generation. It is time to wake up and to take action.

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June 12, 2013
CONGRESSIONAL RECORD—SENATE S4393
I yield the floor.

Mr. MENENDEZ. Mr. President, I come to the floor because I have been listening to some of the discussions of my colleagues on the immigration reform bill that is before the Senate. As I have said before, everyone is entitled to their own opinion, but they are not entitled to their own facts. I have heard references, time and time again, to 1986, the last time immigration reform legislation was passed. This is not 1986. Selective memory loss seems to be at work in the Senate today, so I wish to respond to some of these claims made by my colleagues.

On one hand, critics of the immigration bill keep harking back to the Immigration Control Act of 1986, commonly known as IRCA, arguing we haven’t learned the lessons of 1986. On the other hand, they insist on their slogan of “enforcement first” in the belief that a legalization process can begin. But if there are lessons to be learned from 1986, there are just as many to be learned from the last 10 years in which “enforcement first” has been the mantra of Congress’s immigration policy, with disastrous results.

First, with respect to 1986, the overriding lesson learned from that bill was that if we don’t deal with the reasons people come to the United States, we don’t solve the problem. A promise to end illegal immigration ultimately could not be fulfilled because the 1986 law did not address the question of future immigration flows.

The Migration Policy Institute and the Immigration Policy Center have identified one cause of future illegal immigration after IRCA to be not legalization—not legalization—but the failure of legislation to address future flows of immigration. S. 744, the bill we are debating, however, does not follow in the footsteps of the 1986 act and addresses future flow in real and meaningful ways.

But we have learned other lessons in the intervening years, most notably that the enforcement-first policy does not serve our country well. Despite an extraordinary allocation of resources and personnel, the flow of illegal immigrants has steadily been affected more by the economy than by enforcement efforts. As deportations have gone down, the impact of reunification and children has been well documented and the impact on the economy continues to grow.

So if one of the pull factors is the opportunity to earn money to send back to families, S. 744 undermines that opportunity by mandating a universal—a universal—employment verification system and provides for a reasonable implementation schedule. What that basically means is that virtually every employer in America is going to have to make sure that regardless of who a person is, they are, when they come forth and seek to be employed by an employer that has a job available, they are going to go through the system and verify whether the person has the legal status to be able to work in the United States. That undermines that factor of drawing people to this country for employment opportunities much more than anything else about interdiction.

If anything, outrage over a broken immigration system helped to change the political dynamic last year. It was a rejection of both the enforcement-only strategy and the idea that we must secure the border first. Finally, the Migration Policy Institute explained that the 1986 limited legalization program left many people in the shadows, which led to substantial backlogs in family-based immigration categories. Illegal immigration did not decrease dramatically until after the passage of enforcement-only bills starting in 1996 that trapped many in an undocumented status despite their family or employment ties. So our legislation learns from the mistakes of the past and affirms our balanced 21st century immigration system.

Despite what many have said, our legislation, in moving forward with legalization, does not abandon border security but, rather, addresses it in tandem with the problems that face our immigration system. We can, for example, reap enormous benefits from legalizing the undocumented, both in terms of their economic and social contributions—making sure they fully pay taxes and are law abiding in every other respect—and in terms of creating a more secure and accountable system, as we will know who is in the United States and who can lawfully work here, but we can’t do it if we have to wait years-years—under some of the amendments our colleagues are offering to begin the process of transitioning undocumented people into a legal status.

I have heard a lot about national security. It is unfair to know who is in the United States. Let them come forth, register with the government, go through a criminal background check, and those who can’t pass that background check—maybe they don’t think their background is going to come up—get deported. Then I know who is here to do harm to America versus who is here to pursue the American dream. But my colleagues would continue through their amendments to keep these billions and, therefore, I don’t know how we promote national security if we don’t know who is here and for what purposes. So we reap enormous benefits, both in terms of economic benefits as well as security, by bringing those people out of the shadows and into the light—registering with the government, going through a criminal background check, paying taxes, learning English, and earning their way to make their situation right in the United States.

Certain impossible border security standards must be seen for what they are, which, in my view, is a cynical attempt to deny a pathway to legalization. My colleagues can flower it all they want, they can cover it up all they want, they can put all the lipstick on it they want, but it is still what it is. It is a cynical attempt to ultimately undermine a pathway to legalization. The standards some of my colleagues are trying to propose have not been met by the Federal Government in virtually any other responsibility the government has. Pretty amazing. Tying it together, what we have tried to do, is simply institutionalize the status quo.

What does the status quo do? The status quo allows millions to be in this country without knowing what their purpose is here. The status quo allows families to be divided. The status quo allows U.S. citizens and permanent residents—legal permanent residents of the United States—to be unlawfully dependent upon a pathway to legalization as second-class citizens of this country because of the happenstance of where they live, who they are, what they look like. Who among us is willing to be a second-class citizen in America?

The status quo permits an underclass to be exploited and creates downward pressures on the wages of all Americans, and that exploitation takes place. The status quo doesn’t allow for the challenges, even in a tough job economy, to be fulfilled so our economy can grow. I listen to all different sectors of our economy, including the agricultural sector. I listen to the seafood industry. I listen to the hospitality industry. I listen to the high-tech industry. They all clamor for individuals to do these critical jobs that very often support the high-paying jobs above them but are essential in order to be able to produce that product or deliver that service. Yet we would have the status quo preserved because that is, in essence, what the amendments being offered include, which are unattainable standards that my colleagues know simply cannot be met. They are impossible by any stretch not about border security but about undermining the pathway to legalization.

So let’s look at what this bill does do, however, about border security, among many other provisions. It includes $6.5 billion in additional funding for border security. It allocates $6.5 billion in additional funding for border security. It adds $6.5 billion in additional funding for border security. It adds $6.5 billion in additional funding for border security. It adds $6.5 billion in additional funding for border security.

So let’s look at what this bill does do, however, about border security, among many other provisions. It includes $6.5 billion in additional funding for border security. It allocates $6.5 billion in addition to the greatest amount of resources, including money, border patrol, customs enforcement, physical impediments on the border, aerial surveillance that already exists. It adds $6.5 billion to bolster our border security, and that is in addition to the annual appropriations for border security.

Effective border controls? Yes. As a matter of fact, these provisions of the Gang of 8 were largely drafted by the Senators who came from border States and who had a real sense and a real conversation with those who secure the border every day about what is needed. It requires all employers to verify their workers are authorized to work in this country, which culls off the job magnet—another effective control, perhaps the most effective control. It has
a whole entry-exit system that is far more advanced than that which exists today, and before any legalization can begin—before any legalization can begin—the Secretary of Homeland Security is designated to come up with a plan to deploy $4.5 billion of those resources on infrastructure, technology, fencing, and personnel such as the Border Patrol, so it will be able to catch 9 out of every 10 undocumented immigrants who might attempt to cross the border. So there is more border control.

Only after this plan has been presented to the Congress and the E-Verify system—which is that employment check—is ready for nationwide implementation and the deployment of the resources has commenced, may the legalization program begin to adjust undocumented individuals to that provisional status. Before anyone in that program, on that status, can ever be issued a green card, which basically means permanent residency, all of the resources in the plan must be deployed on the ground and be working.

That is not enough for some of my colleagues, and it is not enough for me: they create standards for which we, in essence, could never, ever have even a provisional status in the country.

Some Senators have also claimed our bill allows immigrants to receive welfare and other public benefits. That is just simply not true. S. 744, the bill before us, bars individuals granted even provisional status and blue card status—which are agriculture workers and V nonimmigrants—they would not be eligible for the following Federal means-tested public benefit programs for the duration of their provisional status: nonemergency Medicaid, Supplemental Nutrition Assistance Program, SNAP or Food Stamps, Temporary Assistance for Needy Families, TANF, and Supplementary Security Income.

In fact, when most of these individuals adjust to LPR-green card status, they have to wait at least an additional years before becoming eligible for these programs, and all the while they are paying taxes, which is a prerequisite. As a result, an individual with RPI status, who is otherwise eligible for public benefits, would not be able to enroll in programs such as Medicaid and SNAP for 15 years.

Now, during the duration of their provisional status, individuals will not be eligible to accept Payroll-Attributed Earned Income Tax Credit (EITC) or the premium tax credits under the Affordable Care Act’s premium tax credits and cost-sharing reductions that help make health insurance affordable for low- and middle-income working families. They will not be eligible for that. Individuals in the provisional status—blue card or V nonimmigrant visa status will be able to purchase private health insurance at full cost—at full cost—without subsidies, without tax credits through the insurance marketplaces created under the Affordable Care Act.

We want to give them the opportunity out of their own pocket and with full cost to be able to do so if they can because that means we lessen the burden on our health care system, particularly in an emergency room setting, which is what happens right now. This does not give tax credits, it does not give subsidies to say to the individual: If you have the wherewithal, go buy insurance and protect yourself.

This bill denies benefits to legalized immigrants. It is a tough bill and, for some of these provisions, because we say to someone: Come forth, register, pay fines, pay fees, pay your taxes, and, by the way, for a decade or more, even though you are paying taxes like anybody else, you have absolutely no right to anything—that is virtually what we are saying. So I wanted to clarify the record so the American people understand the truth about this bill. It is a tough and fair compromise that respects the American taxpayer.

Finally, I would like to clarify the record about taxes and the economic benefits of this bill. This bill increases the gross domestic product of the United States by a cumulative $332 billion over 10 years—$332 billion over 10 years—and that is only by virtue of looking at the legalization aspect. If we look at the totality of all the elements of the bill, it exceeds $1 trillion. It increases the wages of all Americans by $470 billion, and it creates an average of 321,000 jobs each year for the next 10 years. That is an additional 1.2 million jobs over the next decade.

The Senate bill says individuals who do not pay their taxes cannot—cannot—renew their legal status or obtain green cards. Legitimating immigrants can be required to pay assessed taxes going back as far as 10 years before legalization.

This requirement is tougher than the back tax requirements in the 2006 and 2007 bipartisan Senate immigration bills, which only required legalizing workers to pay back taxes when they obtained their green cards. Under this bill, workers are held responsible for back taxes at three points: when first transitioning to legal status, when renewing their status, and when obtaining a green card. On top of the back tax requirement, legalizing workers will have to pay significant penalties and fees at registration and renewal and when obtaining their green cards.

Everyone, who works, regardless of their immigration status, is liable for the payment of taxes. “Assessed liability” simply means legalizing workers will be held responsible for all of the back taxes the IRS says they owe—all the back taxes the IRS says they owe—going back as far as 10 years before legalization.

The back tax requirement is written in the way that is most straightforward for the IRS to implement and in a way that is making sure that individuals with past-due liability can actually be blocked from adjusting their status.

It provides an efficient way for the Department of Homeland Security to confirm that individuals have satisfied their tax liabilities. It is much easier for the Department of Homeland Security to work with IRS to confirm that individuals have paid all their assessed liabilities instead of through tens of millions of tax returns, which would not reflect taxes that may have been assessed by the IRS.

I look at the Congressional Budget Office. We will await their score, but they and other experts in the past have found that undocumented workers will pay billions of dollars more in taxes—pay billions of dollars more in taxes—on their wages once they are made legal. And I think that is a fair and just thing to do.

I had thought, with poll after poll after poll where Democrats and Republicans and Independents said they wanted to see this broken immigration system fixed, where, in fact, we had a national election last November for the President for the Presidency, for the Congress, for the Senate, for the House, for the Administration, for the intelligence community, for the, which this debate raged on quite a bit—and ultimately a new demographic in the country showed, in those election results, as they marched to the polls, that they were looking at how this Congress would deal with the question of reforming our broken immigration system—that, in fact, we would have a different day in the Senate, that instead of voices that are seeking to undermine the very essence of reform—that includes border security, that includes a pathway to legalization, that includes provisions for the economy that are incredibly important both to grow and not suppress the wages of Americans, that improves the protections to make sure American workers have the first shot at getting any job that exists in America first and foremost, that looks at the future in terms of flows and says: This is how we are going to deal with this to ensure that our economic vitality grows by virtue of who we allow in this country but that still preserves a very core value, and we can value, hear what my colleagues talk about, which is about family values and the family unit—well, that still preserves the very essence of that value, even as it reduces it somewhat, and at the same time preserves our history as a nation of immigrants, the greatest experiment in the history of mankind, which has made us the greatest country on the face of the Earth—that we would hear a different approach by some of our colleagues.

But I have heard the same tired refrain, and it may sound good, but when you read what the amendments are all about, you understand what they are really trying to do. I believe those efforts will be rejected. Legitimate efforts to improve this bill, as it was improved in the Senate Judiciary Committee, in which we were offered and passed—many of them were bipartisan amendments, many of them were bipartisan amendments that were
passed, and they, in fact, refined, improved, and made more specific elements of the bill that were great additions—those opportunities exist here as well.

But what we cannot allow is to nullify the hopes and dreams and aspirations of millions of people in our country who are waiting for this moment. We cannot nullify the opportunity to really move toward securing our country in a way far beyond the status quo. We cannot come to the opportunity to grow our economy, get more taxpayers into our system, and strengthen our overall revenue sources. That is what this bill is all about. That is why I believe at the end of the day it will prevail and receive the votes necessary to move forward and be sent to the House so we can finally get this broken immigration system fixed.

Mr. LEAHY. Mr. President, I understand Senator Vitter, the Senator from Louisiana was on the floor earlier discussing the amendment Senator HATCH and I have proposed, Amendment No. 1183. I have read the remarks the Senator from Louisiana made, and I wish he had read our amendment more carefully. His remarks seem to be described as non-profit organizations. My amendment applies only to non-profit organizations. Organizations like the Greater New Orleans Youth Orchestra, the Louisiana Philharmonic Orchestra, Louisiana State University Opera, and the New Orleans Ballet Association, I suspect that these are not the "well-heeled" individuals the Senator from Louisiana is describing. In fact, I would ask unanimous consent to have printed in the RECORD Louisiana Arts Organizations and supporters of the amendment Senator HATCH and I have offered.

The Senator from Louisiana called our amendment misguided. Again, I wish he had read the amendment more carefully. I suspect the dozens of non-profit performing arts organizations across Louisiana that are enriching their communities with performances from international musicians and dancers would not think it is misguided to help them continue their work. With such an incredibly rich musical history and tradition, I suspect the people of Louisiana, like Americans across the country, place a very high value on the performing arts. So with that clarification, I hope I have addressed the concern of the Senator from Louisiana and that he will reconsider his opposition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMBERS AND SUPPORTERS IN LOUISIANA ORGANIZATION AND CITY
Acadiana Center for the Arts, Lafayette; Acadiana Symphony Orchestra, Lafayette; Alligator Mike Promotions LLC, New Orleans; Ark-La-Tex Youth Symphony Orchestra, Shreveport; ArteFuturo Productions, New Orleans; Arts Council of Greater Baton Rouge, Baton Rouge; ArtSpot Productions, New Orleans; ASF Productions, New Orleans; Backbeat Foundation Inc., New Orleans; Baton Rouge Symphony Orchestra; Baton Rouge; Bayou Independence Park Theatre, Baton Rouge; Cindy Scott, New Orleans; Columbia Theatre for the Performing Arts, Hammond; Contemporary Arts Center, New Orleans; Coughlin-Sanders Performing Arts Center, Alexandria; Crippled Creek Theatre Company, NEW ORLEANS; CubaNOLA Arts Collective, New Orleans; Dillard, New Orleans; Direct Action, New Orleans; Downsville; DUKES of Dixieland, The, New Orleans; Festival Internacional de Louisiane, Lafayette; FMBC—Local/Regional Spiritual Dance Ministry, New Orleans; Goat in the Road Productions, NEW ORLEANS; Graduate Program in Arts Administration—UNO, New Orleans; Grand Opera House of the South, Crowley; Greater New Orleans Youth Orchestra, New Orleans; HMS Architects, New Orleans; Hot 8 Brass Band, New Orleans; Houma Terrebonne Civic Center Development Corporation, Houma; Independence Park Theatre, Baton Rouge; Isidore Newman School, New Orleans; Louisiana Performing Arts Society, Metairie; Junebug Productions, New Orleans; Kors Entertainment, Baton Rouge; Lake Charles Symphony Orchestra, Lake Charles; Little Theater Shreveport, Shreveport; Louis Armstrong Community Jazz Band, The, New Orleans; Louisiana Division of the Arts, Baton Rouge; Louisiana Philharmonic Orchestra, New Orleans; Louisiana State University, Baton Rouge; Louisiana State University Opera, Baton Rouge; Louisiana State University Student Union Theater, Baton Rouge; Louisiana Youth Orchestra, Baton Rouge; Loyola University, New Orleans; Maculele Cultural Project, Inc., New Orleans; Mansfield Theatre, Baton Rouge; Mundo Bizzaro, NEW ORLEANS; Norco Symphony Orchestra, Monroe; Moving Forward Gulf Coast, SLIDE Li; Musica Chamber Music Ensemble, Metairie; Musicians for Music, New Orleans; National Performing Network, New Orleans; NEW NOISE, NEW ORLEANS; New Orleans Ballet Association, New Orleans; New Orleans Center for Creative Arts Institute, New Orleans; New Orleans Friends of Music; New Orleans Opera, New Orleans; New Orleans Shakespeare Festival at Tulane, New Orleans; Night Light Collective, NEW ORLEANS; North Star Theatre, Mandeville; Opera Louisiane, Baton Rouge.

Oportunidades, Nola, New Orleans; Performing Arts Society of Acadiana, Lafayette; Playmakers of Baton Rouge, Baton Rouge; Rapides Symphony Orchestra, Alexandria; Salvadore Librete Music, River Ridge; Shreveport Opera, Shreveport; Shreveport Symphony Orchestra, Shreveport; Southern Rep, New Orleans; Strand Theatre of Shreveport, Shreveport; Swine Palace Productions, Baton Rouge; Terrance Simien & The Zydeco Experience, Lafayette; Terrance Simien & The Zydeco Experience, Lafayette; The Shakespeare Festival, New Orleans; Dynamo Dance, new orleans; Tutti Dynamics, New Orleans; University of Louisiana, Lafayette; University of Louisiana—Monroe, Monroe; Vieux Carre Performing Arts, New Orleans.

With that, I yield the floor and suggest the absence of a quorum.

THE PRESIDENT. The clerk will call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CARPER. I wish to start tonight by saluting our Gang of 8. I won’t call them by name; you know their names, but four Democrats and four Republicans. I wish to thank them for their tireless efforts to bring this bipartisan legislation to the floor.

I also wish to commend Senator LEAHY and the Judiciary Committee that he leads for their efforts to bring this legislation to the committee together and for bringing it to the floor. As we all agree is very important legislation.

Delaware celebrated the 375th anniversary of the arrival of the first
Swedes and Finns who came to America and came right through what is now Wilmington, DE. South of that spot, about 5 miles to the south, William Penn first came to America as well.

Those immigrants came to our country all those years ago for a lot of the same reasons people come here today. They came to live what we now call the American dream, the remarkable idea that regardless of our background or station in life, people can still come to this country, work hard, build a better life for themselves and for their families. Today, some 400 years later after those first immigrants settled in my own State, we are blessed to live in a thriving and prosperous Nation in no small part because of millions of immigrants who came together to build this Nation. We can all be proud of this history.

As a Nation of immigrants, we in Congress have a special responsibility to ensure our immigration system is effective and it reflects our values. Those values were what inspired brave, hard-working, and committed people to take great chances to come to this Nation. They are often seeking to escape violence, follow their dreams, or build a better life for themselves and for their families. Today, some 400 years later after those first immigrants settled in my own State, we are blessed to live in a thriving and prosperous Nation in no small part because of millions of immigrants who came together to build this Nation. We can all be proud of this history.

Today, however, our immigration system is, by most standards, broken. It is not effective in bringing in the talent we need and maintaining a strong economy. Our immigration system does not give employers the assurances that someone they want to hire is actually here legally and eligible to do some work. That system does not always focus our security efforts on the real risks and on those who come here with the intent to do us harm.

As a Nation of immigrants, we in Congress have a special responsibility to ensure our immigration system is effective and it reflects our values. Those values were what inspired brave, hard-working, and committed people to take great chances to come to this Nation. They are often seeking to escape violence, follow their dreams, or build a better life for themselves and for their families. Today, some 400 years later after those first immigrants settled in my own State, we are blessed to live in a thriving and prosperous Nation in no small part because of millions of immigrants who came together to build this Nation. We can all be proud of this history.

Finally, our immigration system does not address in a pragmatic or fair way the fate of 11 million undocumented people living in our country right now, many of whom came here as children and, like us, know no home other than America.

With that said, how do we modernize our immigration laws in a way that is fair, practicable, and makes our Nation more secure, more viable and also economically? I have always said the key is to immigration reform is border security.

You will recall the last major comprehensive effort this body made to reform our broken immigration system about 6 years ago fell apart because a number of my colleagues here claimed, with some justification, that our borders were not secure enough. Many of my colleagues claim, justly or not, that the border is still too porous, and we would be having the same debate 20 years later because of border control, the lack of it.

People themselves are our borders secure enough to ensure we don’t end up having this same debate 20 or 30 years down the line. The answer, for many of my colleagues and for a lot of Americans was, no, they are not. That was then; this is now.

Six years later, a number of people will still argue our borders are not secure enough to even try to move forward with these reforms. I disagree. When I hear our colleagues ask are our borders more secure, I am often reminded of a friend who says, when you ask him how he is doing: Compared to what?

Some say our borders won’t be secure until we stop every single person who tries to get across illegally. I think it is clear that is not a realistic goal or expectation.

Let’s go back a little bit in time. Take, for example, the border between East Germany and West Germany, most famously the Berlin Wall. This wall, which was secure border our world has ever seen, with roughly 100 miles of concrete, electrified razor wire, and a 100-yard-wide kill zone guarded by some 30,000 soldiers. Still people made it safely across this highly secure border. In fact, according to a recent report by the Council of Foreign Relations concluded that East Germany only stopped about 95 percent of those who tried to cross the border and enter West Germany. Even a ruthless regime willing to kill its citizens couldn’t stop desperate people in search of a better life. I don’t think any reasonable person believes we should try to replicate the East German border strategy.

What is the right comparison? I suggest the right comparison is what our borders looked like in 2007. Are our borders more secure today than they were then? Are they a lot more secure or just a little bit? I think they are a lot more secure.

How do I know? I have the privilege of chairs the Senate Committee on Homeland Security and Government Affairs. We held a number of hearings this year on border security. Even Secretary Janet Napolitano, all kinds of local officials, sheriffs, police, mayors, and other folks. About 2 years ago, I visited the California border and earlier this year Arizona and Texas and up in Michigan. My goal was to get a firsthand look at what is working, what is not, and what more we ought to do to secure the border further and we can.

Based on what I have seen, there is overwhelming success, though, that our borders are more secure than they have been—probably have ever been—and certainly more secure than they were in 2007. I saw parts of our border that were overrun with undocumented immigrants as recently as 2006, when the Border Patrol agents I met with told me they used to arrest more than 1,000 people every single day trying to get into this country illegally. Think about that, 1,000 people a day. Today those same agents told me they have a busy day if they arrest as many as 50 people. Is 50 too many? Yes, it is, but it is not 1,000 people a day.

In fact, arrests at the border have reached their lowest levels since the early 1970s. With our putting massive investments in personnel and technology along the border, we are arresting significantly fewer people, and it is not because we are not on the lookout or trying to get those who are coming here.

I have a slide of our southern border, from the Pacific to the Gulf of Mexico; from California into Arizona, to parts of New Mexico and Texas, all the way to the Gulf of Mexico. So four States are divided into about nine different quadrants. We have some interesting numbers. If we look at 1992, the number of people who were arrested was about 565,000 just south of San Diego. In 2000, in the El Centro area of California, we had about 238,000. Initially, the numbers here in the West were huge. In the Navy, I used to be stationed in San Diego, and there was a huge number. It has sort of drifted this way. I used to go across the border south of San Diego into Mexico, but it is remarkably secure. The challenge now lies way over here and other places as well, but really it lies over here. We have not just Mexicans trying to get across in South Texas today are from Central American countries—Guatemala, Honduras, and El Salvador.

This year we debated the last immigration reform proposal. Border Patrol was arresting, in this Yuma section right here, 138,000 people. Today, the number is 6,500. Think about that, from 138,000 down to 6,500.

Let’s look at the Tucson sector. In the year 2000, we were arresting over 600,000, today about 120,000. In the El Paso sector in 1993 we were arresting close to 300,000; now it is right around 10,000, and it is not because we are not trying. It is not because we don’t have a lot more people there, a lot better technology. It is just that the number of folks coming across has just significantly diminished.

Over here in Texas though, in 1997, there were about one-quarter million coming across and getting arrested and today still about 97,000. So there is still a good number—too high a number trying to get across—and we are arresting a number of those.

The numbers in these numbers—the dramatic reductions from 1997 to today—is not an accident. This precipitous drop in arrests is the direct result

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of the unprecedented investments we have made in securing our borders over the past decade.

You don’t have to take my word for it. Here is what several of our border officials and residents who are true experts about the progress we have made in securing our borders. I will just quote a few. I talked to a whole lot more. Some of my colleagues have been down there and talked to a bunch of local officials in those States too. I do what the mayor of San Antonio said earlier this year before the House Judiciary Committee. Mayor Julian Castro of San Antonio said:

In Texas, we know firsthand that this administration has put more boots on the ground along the border than at any other time in our history, which has led to unprecedented success in removing dangerous individuals with criminal records.

The mayor of Nogales, AZ, one of the places we visited earlier this year with Secretary Napolitano, said:

We used to have street chassis all the time. . . Now all those things are gone, something dear to us.

That was about 2 or 3 months ago.

A woman named Veronica Escobar, a county judge in El Paso, said this near the end of 2011:

Those of us who actually live along the border know otherwise. El Paso, the largest city along the United States-Mexico border, is also one of the country’s safest cities and the heart of a vibrant bi-national community.

So the truth is we spend more on border security each year—about $18 billion—according to a recent Migration Policy Institute report—about $18 billion a year—than we spend on the rest of Federal law enforcement activities combined. Think about that for a moment. We spend more on border enforcement, border security, than we spend on the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the U.S. Marshals combined.

Since 2000, the Border Patrol alone has more than doubled in size. Its funding has almost quadrupled. We have built 650 miles more of fencing along the border. That is roughly one-third of our Mexican border. To better secure parts of our border where a fence might not be as effective, we deployed a number of what I like to call force multipliers, and I will talk about some of those later on.

When I am talking about technology that will help the Border Patrol do their job more effectively, in some parts of the border it might be radar, it might be drones, in others it might be cameras, towers or hand-held systems. For example, in the past couple of years, we have deployed roughly 350 land-based towers, vehicle-based towers with advanced cameras and radar. We fly more than 270 aircraft and helicopters to monitor a 2,000-mile border, and using drones and the lighter-than-air assets—blimps.

But you don’t have to take my word for it. I think a picture is worth a thou-
sand words, and I have a couple of pictures here of some slides I wish to show to take a look at what the border looked like 7 years ago, in 2006, and what it looks like today.

This is one of my favorite pictures. It is a picture of a ranch, believe this is a ranch in Arizona. Look at this. It looks almost like a junkyard, almost like a place where people come to drop their trash, and that is what happened, because every day hundreds of people would come through here, through this ranch, and they would simply throw in the trash what they left behind. Here is the same place today.

This is not because the folks trying to get into our country have somehow gotten an environmental conscience and they do not litter as much. That is not what is going on here. They are not coming through as much. So if you ever hear: Is our border more secure? Does it make a difference? I would say go to that ranch and take a look. We have spent a lot of money on infrastructure.

This is Douglas, AZ. We were there, along the southern border of Arizona, and this is a before shot. This is the same landscape and what we see today. Actually, we won’t show it. You had couple of fences, a road in between, and all kinds of detectors. This is what it looked like before. So we have made huge investments for miles and miles and miles.

We have something from the Yuma sector in Arizona. The Yuma sector was out of control. Border-wise, I think we had the most illegal border crossings than at any stretch of the border in 2006. Starting in 2006, they built more than 100 miles of fencing. Just in this one sector alone—in the Yuma sector—where it made a lot of sense. There is an access road so the Border Patrol agents can get where they need to go quickly. We have deployed a border patrol agent every 100 feet along the border, but what we can do is get further out there and go more quickly. One of the ways to do that is with access roads, and this is one of those near Nogales, AZ.

This is another shot. This is Deming, NM. What it shows is what the area looked like in 2007 along the border. It doesn’t look too hard to get across, and it wasn’t. This is what it looks like today: lighting, the walls, ways for the Border Patrol to move quickly if they need to. It is just a different place today, and the numbers will demonstrate that it has made a difference.

Here we are in Del Rio, TX. There is a lot of water here. In 2008, there was literally no infrastructure whatsoever in Del Rio, TX. That was about 2008, and this is a couple of years later. You could literally walk across the border and you didn’t know it. You didn’t know if you were in the United States or Mexico. Today you know it, and we believe significantly those all-important access roads and now have a far more secure border.

This is a place called Marfa, TX. This is a border in the western part of Texas, actually in a national Park. In 2006, the border was wide open. This is lovely, isn’t it? There were some people, particularly some of the locals, who were opposed to fencing. The reason why is because this now looks like this. But the problem with this is people were able to literally walk across, wade across, in substantial numbers. They do not do that anymore. We gave up some scenic beauty, but at the same time we have a whole lot of security we never had before.

This is Harlingen, TX. We were there about a month or two ago. This is the eastern part of Texas, closer to the Gulf of Mexico, but we see a part of the border that as recently as 4 years ago, right here, you could literally walk across it. You could walk right across it. You could walk right across it. This is what it looks like now, with fencing and access roads. They don’t walk across it without them knowing it and, frankly, oftentimes without us knowing it.

This is one of my favorite pictures.

This is a fence, and this is a fence, in this case, that at least stopped this vehicle. A friend of mine likes to say let me build a 20-foot fence and someone will come along and build a 21-foot ladder. Someone tried to be very clever and find a way to get this vehicle over this fence. I don’t know if that is a Jeep, but they tried to get it across and they didn’t quite make it. So people try to get across and Ingenious, and they will try to build that 21-foot ladder or in this case a different type of ladder. Sometimes it works and sometimes it doesn’t. In this case it worked to stop them.

I also wish to show some of the force multipliers that are helping to enhance security efforts at our borders and ports of entry. These are pictures of just a small sample of the massive improvements we have made along the southern border from California to Texas. It shows what any fairminded person who has been to the border in recent years can tell us; that is, the investments we have made are actually paying off. I hope so. As much money as we have spent, I would hate to think we spent it without getting any kind of result.

One of the investments we have made are the drones. We don’t have a huge number, but I think we have four of them in Arizona, a couple in Texas, and I think they have a couple up along the northern border, maybe North Dakota, and a couple over in Florida. But we will talk a little more about these.
Let me just say, if you put up a drone and you put a VADER system on it, they can fly at high altitudes, they can fly day or night, they can see in the rain, they can see in the dark, they can see when the Sun is shining. They are an invaluable asset when they fly. We will talk later about the problem that they don’t always fly. They do not fly when the wind is more than 15 knots. We have four of these in Arizona, with only one that has a VADER system. We need to increase the four assets, we have about two of them are flying most of the time. They only fly 5 days a week. So one of the keys, if we are going to use the drones, let’s make sure we have VADERS on all of them, let’s make sure they are able to fly more than 5 days a week, more than 16 hours a day, and let’s properly resource these aircraft.

Old technology. The drone is pretty new. This is old technology. Blimps and dirigibles have been around forever. Some of you may recall seeing a video of blimps such as this from Kabul, Afghanistan. I talked on the phone this week with a fellow who is now Ambassador to Mexico. His name is Tony Wayne. He used to be the No. 2 guy in our Embassy in Afghanistan. I asked him: How do we use blimps in Kabul? We use them in Kabul very effectively. He said: The great thing about blimps is you can put them up in bad weather, when it is windy. You can’t fly more than 15 knots, but these stay up and don’t run out of gas. You can have more surveillance systems with them than you can with a lot of the other aircraft we are flying. We use them with great effect in Kabul, Kandahar, Afghanistan, and other places, and we ought to be able to do better with them on the border with Mexico. They can be a great force multiplier as well.

This is a little plane called a Cessna C-206, and it has enough room to carry two people. I think we have about 17 of them. We saw one in Arizona, and we saw a few in East Texas. It is a not cutting-edge technology; it is just cost-effective. You can put these planes out for a while, and they don’t use much gas. They are a good platform for surveillance.

Unfortunately, out of the 16 or 17 that we have, only 1 of them has a surveillance system that enables us to look down and find out what is going on the ground. It is sort of like sending out a plane doing surveillance when occasionally we do search and rescue missions over the vast ocean with binoculars, looking for somebody in a little skiff or in a life preserver. It is like looking for a needle in a haystack. When we fly these planes, we ought to have them fully resourced with modern surveillance equipment and people operating them. We have boats, and we have helicopters. We have assets that go fast along the Rio Grande River. We need boats that go fast. We need the same thing off the coast of California. Fortunately, we have them.

We don’t have enough helicopters. We talked to some folks in East Texas. They basically are flying three different kinds of helicopters—one is fairly modern, and a couple others are not. The only one the Border Patrol is really interested in is the one that is fairly modern. It is reliable, has good surveillance equipment.

What we were told by some people is this: If you are going to send us the older, less reliable helicopters without the technology, don’t send them. What we need are the more successful helicopters, the ones in demand, where it will actually be a real force multiplier.

I thought this was an interesting slide. This is with night vision goggles. We also have the ability to use the VADERS, the systems we put in our drones. In the C-206s we fly, our ground-mounted cameras are along the border. This is nighttime, but this is what we can see today, and it is pretty easy to pick out. Are you going to ever be able to figure out how many are getting across, not getting across, we need this; we don’t need this. Fortunately we have this, and it is a force multiplier. We need to make sure we use it well.

This shows a different series. Some are cameras, some are radar, but they are ground-based. In this case they have an operator. Again, this is one that is mounted on a truck bed. It can be moved around more permenant. Here is one that is more permanent. You have the Border Patrol here right at the fence and the ability to look north, south, east, and west.

These are just a couple examples of force multipliers. We have all these men and women on the border. We have basically doubled the border patrol. How do we make them more effective without just adding more and more bodies between the ports of entry? We can do it with a different kind of technology. We can do it effectively, and I think we can do it in a cost-effective way. That is what we ought to do.

The bill we are going to be debating over the next couple of weeks sets aside an additional $6.5 billion for border security on top of the $18 billion we already spend today, every year. The $6.5 billion in the bill will be used to add another 3,500 officers—not between the ports of entry, these big ports. We are not talking about water ports. We are talking about land-based ports of entry where a lot of commerce—cars, trucks, pedestrians—is getting in, and big commerce is going through those ports of entry as well.

But the legislation wisely could use some of that extra $6.5 billion to hire another 3,500 officers to work in our ports of entry, to build new infrastructure at the ports of entry and make them better, to secure new surveillance systems, and for the aerial support for the Border Patrol—more effectively and give them the tools they tell us they need to be successful.

One specific thing I have seen on my trips along the border with the C-206—and just think about it. You have an airplane. You put it up to fly for 3 or 4 hours, and you can send it out with one person looking through binoculars or a surveillance system to look hundreds of miles out. That works in the day or the night, rain or not, and it gives us great images and a great capability.

We also need to make sure the Department of Homeland Security has the flexibility to deploy resources where and when it makes sense. For example, as we talked earlier about the blimps that are tethered, they have proven to be enormously successful in northern Afghanistan. And for anybody who doubts that, I urge you to give our Ambassador to Mexico a call, who was our No. 2 guy in Afghanistan the last time I was there a couple of years ago. As I said earlier, the blimps are old in terms of the technology, but they can handle a lot of surveillance stuff and equipment, and they do great work. In some places, they will make a lot of sense; in other cases, maybe not so much.

But the Department of Homeland Security needs to be able to swiftly put in place innovative tools like blimps when factors on the ground change or when they make sense. For example, I have a new approach to securing certain portions of our border. I don’t think we ought to be hamstringing them with mandates
that make them less effective in carrying out their missions, including requiring additional fences in areas where the fencing doesn’t make much sense. In a lot of places, it does. There are 600 miles or so where it does, and there are more places that it does. But there are also some places where it makes more sense to resource a drone, to have land-based radar and cameras, where it makes more sense to fly the 206s, to have helicopters with the right kind of surveillance equipment on them and move people along.

I want to mention some other cost-effective technology. We saw some really interesting hand-held devices that allow the border agents to see in the dark. I also saw something at one of the ports of entry. It was actually about the size of my Blackberry. I remember standing at the ports of entry where they have literally thousands of cars and trucks and vehicles and pedestrians coming across a day. But before the teamie ever got to the border, the officer had a device that would tell her the truck that was coming through, the history of the truck that was coming through, the driver who was in the truck and the history of that driver coming through, what should be in the truck, and what was the cargo in the truck in recent months. This was up in Detroit too. But one of the officers there said this is a game changer.

As I mentioned earlier, this bill we are debating appropriates about $6.5 billion to continue to build on the progress we have made and achieve the ambitious goals it sets for the Department. That is good news. My goal is to make sure that much of this funding is devoted to these force multipliers to help our boots on the ground work smarter and be more effective. I don’t think we need to micromanage the process.

We have been joined by the majority leader. I am happy to yield.

Mr. REID. Mr. President, I appreciate my friend yielding.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator McConnell to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING OFFICER JASON ELLIS

Mr. McCONNELL. Mr. President, I rise today for the sad occasion of paying tribute to a brave and honorable police officer from my home State of Kentucky who has fallen in the line of duty. Officer Jason Ellis, a seven-year veteran of the Bardstown Police Department, was tragically killed on May 25. He was 33 years old.

Officer Ellis worked as a field-training officer and a canine officer; with his police dog, Figo, he fought illegal drug use in Bardstown. Bardstown Police Chief Rick McCubbins described Officer Ellis as one of Bardstown’s top officers and credited him with making a serious dent in the town’s drug problem. Chief McCubbins also said these words: “He paid the ultimate sacrifice doing what he loved: being a police officer.”

Jason Ellis, a native of Cincinnati, OH, attended the University of the Cumberlands in Williamsburg, KY, where he was a star baseball player. He set records for all time career hits, doubles, home runs, and career games played, the last of which is still a record. He played minor league baseball in the Cincinnati Reds system.

Even as a star on the diamond, however, coaches and teammates remember Jason Ellis talking about becoming a law enforcement officer. His wife, Amy, says: “He was always a go-getter... He was dedicated to his job and he wanted to clean the streets up. And that was the way to get the drugs off the streets.”

On May 30, Officer Ellis was laid to rest at Highview Cemetery in Nelson County. Fellow law enforcement officers from across the Commonwealth as well as Pennsylvania, Ohio, and Illinois came to pay their respects, and hundreds of police cruisers made up the funeral procession. Over a thousand people filled the church sanctuary, with thousands more along the route to show their gratitude for Officer Ellis’s service and sacrifice.

It is incredibly moving to see the broad outpouring of support from Kentuckians and the law enforcement community for Officer Ellis, which I pray was of some comfort to Officer Ellis’s family at such a difficult time. Officer Ellis leaves behind his wife Amy and two sons, Hunter and Parker.

It can’t be stated enough, Mr. President, how deep our admiration and respect is for every man and woman who wears a police uniform and makes a solemn vow to defend the lives of others, even at the cost of their own. Police officers provide stability and justice in our civil society. I know my colleagues in the U.S. Senate join me in extending the deepest sympathies to the family of Officer Jason Ellis and the members of the Bardstown Police Department. We are very sorry for their loss.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator McConnell to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING PETE VONACHEN

Mr. DURBIN. Mr. President, I rise today to pay tribute to a generous, genuine Illinoisan we lost this week.

Those of us who have watched and listened to Chicago Cubs’ games for some time can easily Recall Harry Caray. His booming voice was instantly recognizable as the voice of the Cubs—and fans fondly remember his celebrations of their triumphs and his deeply felt sorrow at more than a few of their disappointments.

Some of us may even recall his bright voice welcoming one of his closest friends to the broadcasting booth with the words: “And here today, from Peoria, Pete Vonachen!”

I am sad to say that Pete Vonachen passed away—peacefully—this week. Pete was an enthusiastic, colorful, and memorable person. He loved Peoria, baseball, and the Cubs. You could tell that he bled Cubs blue—especially, as one friend explained, in 2005. That was the year that the White Sox won the Wild Series.

After running a successful restaurant and making his name in the Peoria business community, he bought the local minor league team and struck an affiliation with his favorite Chicago team. The Peoria Chiefs soon had the highest attendance of any team in the Midwest League. A decade later, they renamed the ballpark they called home to Pete Vonachen Stadium. They even put a statue of him just inside the main gate of the stadium.

That statue was surrounded with flowers and baseballs placed by fans Monday night as the Chiefs took the field against the Quad Cities River Bandits. And, after a moment of silence to honor his memory, the Chiefs won. The Cubs held a moment of silence for him as well at Wrigley Field Monday.

Pete Vonachen will be missed by his family, his many friends and those who loved him in Peoria, and the entire Illinois baseball community.

We will remember Pete and his tremendous line, “Have a great day, and keep swingin’!”

AMIR HEMATI

Mr. LEVIN. Mr. President, in Flint, MI, a family anxiously awaits word of when their son and brother will return to them. For more than 600 days, Amir Hekmati has been imprisoned in Iran, accused of spying for the United States. His capture, detention, trial and sentencing have brought great anxiety to his loved ones here in the United States.

Amir, who spent much of his childhood in Michigan and whose family still lives there, was visiting relatives in Iran in August of 2011 when he was arrested by Iranian police. In January of 2012, an Iranian trial court sentenced Amir Hekmati to serve 11 years in prison. On March 21, 2012, Iran’s Supreme Court overturned that sentence, ruled Amir’s trial had been flawed and ordered a new trial.
That was more than a year ago, and yet Amir’s family still has little clue as to his fate. Amir has been held for much of his captivity in solitary confinement. He has not been granted access to his Iranian attorney and has been allowed only limited contact with family. Switzerland, which oversees U.S. interests in Iran, has not been granted consular access to him.

There is no evidence that Amir was engaged in any espionage activity while visiting his family in Iran. There is every reason to believe that, following the ruling of the Iranian Supreme Court—that the information used against Amir in his original trial was deeply flawed. A videotaped “confessions” broadcast on Iranian television was obviously edited. Iranian officials have yet to make clear what charges, if any, Amir faces, or when he might be re-tried on those charges, even though more than a year has passed since his original sentence was overturned. Human rights groups including Amnesty International have called for Amir’s release. So have a number of U.S.-based Islamic organizations, including Islamic Circle of North America, Islamic Society of North America, Muslim Public Affairs Council, Council on American-Islamic Relations of Michigan, the Council of Islamic Organizations of Michigan, Islamic House of Wisdom, the Muslim Center of Detroit and the Michigan Muslim Community Council.

Recently, Amir’s family has received some limited communication with him. He has been able to send them letters, and an uncle in Iran has been given permission to visit Amir in prison. This limited contact has been welcomed, but has only increased the family’s desire to secure Amir’s return. This desire is all the stronger because Amir’s father, a college professor in Flint, has been diagnosed with terminal cancer. Ali Hekmati faces his illness wondering if he will ever again be able to see his son. Islamic and universal principles of compassion and mercy argue for his release.

Our two nations have wide differences of opinion, many of them longstanding, others which have emerged more recently. But innocent citizens of both our nations should not be caught up in matters of state. I urge the Iranian government to recognize the humanitarian necessity of releasing Amir Hekmati and returning him to the Michigan family that has missed him for so long.

THE FARM BILL

Mr. COONS. Mr. President, I wish to speak to my amendment No. 1079 to the farm bill. This amendment—Republican and Democratic support—would simply increase the authorization for the Local and Regional Procurement Program from $40 million per year to $60 million per year.

It would increase the flexibility for aid providers to use locally and regionally purchased food, which is an important element of U.S. food assistance. There is no score because we are simply increasing the authorization for this discretionary program.

The Local and Regional Procurement Program, which was authorized in the 2008 farm bill to test projects that could help get food aid to hungry populations faster and more efficiently by sourcing food in the communities and regions closest to those in need, has been able to provide aid quickly and efficiently while also supporting development of food markets in low-income countries. This amendment would simply increase the authorized funding level so we can invest additional resources in this successful program.

My amendment is supported by 20 groups, including American Jewish World Service, Bread for the World, CARE, Catholic Relief Services, Church World Service, Columbian Center for Advocacy and Outreach, Evangelical Lutheran Church in America, Institute for Agriculture and Trade Policy, Islamic Circle of North America, Lutheran World Relief, Mennonite Central Committee U.S. Washington Office, Mercy Corps, Modernizing Foreign Assistance Network—MFAN—ONE, Oxfam America, Partners in Health, Save the Children, United Church of Christ Justice and Witness Ministries, United Methodist Church-General Board of Church and Society, and World Food Program USA.

I wish to thank the cosponsors of this amendment—Republicans and Democrats—for supporting this effort, including Senators JOHANNES, DURBIN, ISAKSON, and LEAHY.

NO CHILD LEFT BEHIND REFORM

Ms. MURKOWSKI. Mr. President, I rise today to speak briefly about two pieces of legislation that I have introduced. They are the Educational Accountability and State Flexibility Act and the Early Intervention for Graduation Success Act. I intend to speak with my colleagues about these bills in the coming days and weeks, but I would like to take a moment now to provide an overview of my thoughts.

We have all heard from our constituents—teachers, principals, superintendents, school board members, and parents—about the No Child Left Behind Act. Clearly, the law has some good things. Americans deserve accountable, efficient programs that provide students and schools to meet our children’s needs and local communities’ individual circumstances.

As we know, the Senate HELP Committee has again begun to address the need to reform No Child Left Behind. A number of us have called for the Strengthening America’s Schools Act of 2008 to be enacted. As the legislation that has been passed in the House of Representatives, it would put an end to the unnecessary testing, accountability, and requirements that are doing little to help our children succeed in school.

I am particularly concerned about the funding under this law. The formula that was intended to provide targeted funding to those schools that need help is not working. I have introduced the Educational Accountability and State Flexibility Act to give States the power to decide how best to improve their schools.

This legislation would reduce the Federal mandates in the Elementary and Secondary Education Act. It would increase the flexibility for States to design programs that are best suited to their needs and local communities’ individual circumstances.

The Local and Regional Procurement Program was created to help meet the needs of local communities by providing greater flexibility to States and communities to meet the needs of their local communities’ individual circumstances.

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helping students who are at risk to not graduate from high school as early as prekindergarten and through elementary and middle school.

Some may ask, Why are you concentrating on toddlers and elementary school? Why not high school students? How do we solve the high school dropout crisis facing our Nation? Why not focus attention and our Nation’s scarce resources on high school students, or even middle school students? The reason is simple. Early on is when children’s troubles in school begin, and an ounce of prevention is worth a pound of cure. High school and middle school students do not just wake one day and say, I think I will drop out of school today. Twenty-five years of research tells us that dropping out is a long process of frustration, alienation, and even boredom—it is not a sudden decision. We know that students with disabilities, minority and poor students, and students whose home lives are, in all sorts of ways, difficult have lower graduation rates than their peers. The challenges children face today are all too prevalent, and we know the factors that make it harder for them to succeed in school. We know this.

It only makes sense, then, that we rework the program intended to help schools increase their graduation rates so that it actually helps students help children when we can make the most difference. We need to act before these children have fought for years just to stay afloat, and before they are too tired, frustrated, alienated, and angry to fight anymore.

But I have also heard from some who asked that my legislation include a stronger focus on secondary schools, knowing that today we have middle and high schools that are struggling to keep their students in school and on a path to success. So I have done that.

I have also heard from my State. They shared concerns with me that the cost to create a database combining information that will inform schools as to students’ risk factors for dropping out—participation in public assistance programs, being homeless or a foster child, having an incarcerated parent, etc.—would be too high. So, knowing that it still makes sense to help our educators better identify students who are at risk, I have amended my bill to just ask the State to help schools access this information while following FERPA and HIPAA rules for privacy of that data.

We all want our schools to be successful. We all want our children to be successful. I am hopeful my colleagues will do a good job at both of these bills, and that they will help to move the conversation forward about how we can help reach our goals.

TRIBUTE TO BRIGADIER GENERAL STEVEN R. RUDDER

Mr. BLUMENTHAL. Mr. President, today I rise to honor a true patriot and native son of Canton, CT. After more than 3 years of service as the legislative assistant to the Commandant of the Marine Corps, Brig. Gen. Steven R. Rudder is deservedly moving up to assume the responsibilities of commanding officer of the 2nd Marine Aircraft Wing. On this occasion, I wish to recognize General Rudder’s noble service and dedication to fostering the warm relationship between the U.S. Marine Corps and the U.S. Senate. As of June 1984, General Rudder is well-known and respected as a true leader and warrior. In addition to serving as a weapons and tactics instructor, he has distinguished himself in combat and effectively commanded HML/A-167 and Marine Air Group 26.

Over the last 3 years, General Rudder has been instrumental in facilitating the oversight responsibilities of the Senate. Known for his comprehensive understanding of the operational requirements of the Marine Corps, he ensured that the Senate Armed Services Committee was armed with timely information on Operation Enduring Freedom and other forward-deployed forces, as well as numerous Marine Corps programs to include the Joint Strike Fighter, the Amphibious Combat Vehicle, and the MV-22 Osprey. Moreover, General Rudder worked to recognize the contributions of the Montford Point Marines—the first African Americans who entered into service with the Marine Corps during World War II—with a Congressional Gold Medal.

In 2011 I had the unique privilege of being the guest of honor at the U.S. Marine Corps Sunset Parade, hosted by General Rudder. It was a glorious display of military precision and a truly enjoyable and moving event. I join many past and present members of Congress in my gratitude and appreciation for General Rudder’s outstanding leadership. I invite my Senate colleagues to wish him well, along with his wife Holly, as he transfers to Okinawa, Japan.

ADDITIONAL STATEMENTS

ALASKA AIR NATIONAL GUARD

Ms. MURkowski. Mr. President, I have the honor today to recognize five Airmen and Air National Guardsmen who have risked their lives multiple times in the service of their country. CPT Christopher Keen, MSgt. Sergeant Chad Moore, TSgt. Christopher Harding, SSgt. William Cenna, and SSgt. Sergeant Nicholas Watson are members of the Air National Guard Five, the State of Alaska who serve with the 212th Rescue Squadron from Joint Base Elmendorf-Richardson, Alaska. I’d like to tell you about some of the heroic actions taken by these men in the summer of 2012, when they were deployed to Afghanistan.

Captain Keen, Master Sergeant Moore, Tech Sergeant Harding, Staff Sergeant Cenna, and Staff Sergeant Watson are assigned to an Air National Guard unit that specializes in dangerous medical evacuation missions. Pararescue Jumpers, or PJ’s, train to be inserted into the most hazardous and precarious situations to save lives. They learn to operate in the extreme cold and harsh terrain. As a matter of fact, Staff Sergeant Cenna was part of a five-member team to summit Denali about a month ago on May 9, 2013. PJs have been part of some of the most cutting-edge equipment and master complicated medical procedures. If that is not enough, they prepare to do this job in the face of an enemy that, when they are plunged into the heart of a battle, can appear from any direction.

In order to fully understand the valorous actions of these five men in 2012, I must begin the story in April 2011. Staff Sergeant Cenna, who you will hear about again, was part of a rescue team tasked to recover two U.S. Army pilots downed in the Tagab Valley, Afghanistan. After dropping Sergeant Cenna and his teammate at the crash site, members of the aircrew were injured by enemy fire and forced to leave the mission without coverage.

On the ground, insurgents began voicing their intent to take individuals hostage and Sergeant Cenna began taking enemy fire. A six-hour firefight ensued, and Sergeant Cenna maintained combat situational awareness while relaying critical information to attack helicopters above. Risking his life repeatedly, Sergeant Cenna’s actions directly contributed to eliminating the threat and most importantly, enabled the recovery of the downed American pilot, a killed in action infantryman, and another critically wounded soldier from enemy territory. For his gallantry and devotion to duty on April 23, 2011, Staff Sergeant Cenna was awarded the Silver Star.

Just over a year later, on July 29, 2012, Staff Sergeant Cenna was again deployed to Afghanistan. He, along with Tech Sergeant Harding and Staff Sergeant Watson, were conducting a mission to evacuate two Danish soldiers near Gereshk, Afghanistan. The Danes had been critically wounded and were pinned down in an active firefight. The three-man pararescue team infiltrated at an unplanned insertion point approximately 100 meters from the enemy. With the PJs maneuvered through a field with possible improvised explosive devices and enemy machine gun fire. The team then forded a flowing canal and climbed a 12-foot embankment to reach the wounded Danish soldiers. After applying lifesaving medical interventions and evacuating them to the transport vehicle, the team was notified of two more critically wounded soldiers at the incident site. Exposing themselves to extreme danger again, the team extracted those wounded soldiers.

In all that day, Tech Sergeant Harding, Staff Sergeant Cenna, and Staff Sergeant Watson saved four lives. Just a
year after earning the Silver Star. Staff Sergeant Cenna joined Tech Sergeant Harding and Staff Sergeant Watson displaying sheer courage under fire and unadulterated, unselfish dedication to their duty, their country and their brothers-in-arms.

The very next month, on August 8 and 9, 2012, Captain Keen, Master Sergeant Moore and Staff Sergeant Cenna were operating in support of Marines in Alpha Company, 2d Reconnaissance Battalion, 5th Marine Regiment, 2d Marine Division in Uruzgan, Afghanistan. The operation was called Lion’s Den. It was during this operation that Sergeant Cenna earned his second Bronze Star with Valor. Captain Keen led the insertion and extraction of the Marines into unexplored enemy tunnel networks, while combating small arms fire, heavy machine gun engagements, mortar attacks and improvised explosive devices. While conducting their primary mission, Captain Keen’s dismounted patrol was engaged by the enemy loyalist, the enemy member of control.

After observing the enemy firing position was in close proximity to women and children, he maneuvered 75 meters to another position, preventing civilian casualties while simultaneously eliminating threats. Sergeant Moore was also performing his duties of lowering and recovering Marines into tunnel systems in order to destroy enemy lethal aid. While moving to an objective through a known concentration of improvised explosive devices, a support patrol struck such a device. Without regard for his own safety, Sergeant Moore maneuvered with his team’s vehicle to rescue the tank crew. He treated the tank crew, and soon after his own vehicle was struck by an improvised explosive device and began receiving enemy mortar fire. Despite the dire situation, Sergeant Moore maintained security and safeguarded the disabled tank crew, enabling the success of the operation.

Post 9/11, in the summer of 2012, all five of these men have been awarded the Bronze Star with Valor. I wish to thank these great men for their selfless service and dedication to our nation. They are all my heroes.

TRIBUTE TO DR. PIERMARIA ODDONE

Mr. KIRK. Mr. President, I stand today to honor Dr. Piermaria Oddone as he retires after 8 years of exemplary leadership as director of the Fermi National Accelerator Laboratory, also known as Fermilab.

As America’s premier particle physics laboratory, Fermilab is a point of pride for Illinois. For over 45 years it has supported thousands of scientists across the country whose research is a priceless contribution to the world’s understanding of matter, energy, space, and time. With the appointment of Piermaria Oddone as director of Fermilab was placed under the leadership of a visionary who ensured that the United States would remain a producer of groundbreaking research in particle physics.

Under the direction of Dr. Oddone, Fermilab entered a period of unparalleled scientific progress. The laboratory launched a new era of research in high-intensity particle beams, and experiments involving neutrinos and antineutrinos. It advanced our understanding of dark matter and led the Pierre Auger Observatory project to study ultra-high-energy cosmic rays. Fermilab, in partnership with the State of Illinois, constructed the Pierre Auger Observatory for Research Center. It concluded a 23-year run for the Tevatron collider that discovered quark. It contributed invaluable resources to the groundbreaking discovery of the Higgs boson. Most importantly, however, Fermilab has provided state-of-the-art facilities for over 4,000 researchers each year so that they can continue their work for the advancement of science and society.

Dr. Oddone’s contributions to the scientific community outside of his leadership at Fermilab are no less impressive. Born in Peru, he received his Ph.D. in physics from Princeton before joining the Lawrence Berkeley National Laboratory. He quickly rose to become the laboratory’s deputy director and was responsible for the scientific development that contributed to many of the lab’s successes. As an elected member of the National Academy of Sciences in both the United States and Peru, Dr. Oddone has received numerous awards for his work, including fellowships from the American Physical Society and American Academy of Arts and Sciences. He is a recipient of the Panofsky Award for his invention of the Asymmetric B-Factor particle collider, and is known for his role in the SLAC BaBar collaboration that helped to discover matter-antimatter asymmetry in B mesons.

As my friend Dr. Piermaria Oddone retires from Fermilab, I ask that you join me in honoring an individual who embodies the spirit of discovery through a shining example of scientific excellence. Thank you for your leadership.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The message received today is printed at the end of the Senate proceedings.)
the fiscal year ending September 30, 2014, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 251. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1895. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Federal Voting Assistance Program’s 2010 Electronic Voting Support Wizard Pilot Program Report to Congress; to the Committee on Rules and Administration.

EC–1896. A joint communication from the Acting Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Homeland Security, the Secretary of the Treasury, the Secretary of Transportation, and the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities of the Extracurricular Trauma Anesthesia Training Center of Excellence; to the Committee on Veterans’ Affairs.

EC–1897. A communication from the Director of the Regulation Policy Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “VA Dental Insurance Program” (RIN2900–AN99) received during adjournment of the Senate in the Office of the President of the Senate on May 28, 2013; to the Committee on Veterans’ Affairs.

EC–1898. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “VA Dental Insurance Program” (RIN2900–AN99) received during adjournment of the Senate in the Office of the President of the Senate on May 28, 2013; to the Committee on Veterans’ Affairs.

EC–1899. A communication from the Chief of the Bureau of Regulations, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Terrorist Border Zone in the State of New Mexico” (RIN1651–AA86) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1900. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drainage Bridge Operation Regulation; Thea Foss Waterway previously known as City Waterway, Tacoma, WA” (RIN1625–AA09) (Docket No. USCG–2013–0901) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1901. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Regulated Navigation Area; Thea Foss Waterway; Tacoma, WA” (RIN1625–AA11) (Docket No. USCG–2013–0344) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1902. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Regulated Navigation Area; Hancock-Brick Bridge Demolition, Penobscot River, between Prospect and Verona, ME” (RIN1625–AA11) (Docket No. USCG–2012–0994) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1903. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Community Local Regulations and Safety Zones; Recurring Marine Events in the Fifth Coast Guard District; Mattapona Drag Boat Race, Mattaponi River; Wakema, VA” (RIN1625–AA08) (Docket No. USCG–2013–0250) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1904. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; RXR Sea Faire Celebration Fireworks Display, Glen Cove, NY” (RIN1625–AA08) (Docket No. USCG–2013–0166) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1905. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Buffalo, NY” (RIN1625–AA08) (Docket No. USCG–2013–0166) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1906. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events, Friday Harbor, WA” (RIN1625–AA08) (Docket No. USCG–2013–0042) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1907. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Annual Swim around San Diego, CA” (RIN1625–AA00) (Docket No. USCG–2013–0276) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1908. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Regulated Navigation Area; Torpedo Flare, Torpedo Flare Range, San Diego, CA” (RIN1625–AA00) (Docket No. USCG–2013–0276) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1909. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events, Friday Harbor, WA” (RIN1625–AA08) (Docket No. USCG–2013–0166) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1910. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Offshore Fireworks Display, San Diego, CA” (RIN1625–AA00) (Docket No. USCG–2013–0276) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1911. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Pro Hydro-X Tour, Lake Dora; Tavares, FL” (RIN1625–AA08) (Docket No. USCG–2013–0371) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1912. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Regulated Navigation Area, 5 Aniversario Balneario de Boqueron, Bahia de Boqueron; Boqueron, PR” (RIN1625–AA08) (Docket No. USCG–2013–0297) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1913. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Low Country Splash, Wando River, Cooper River, and Charleston Harbor; Charleston, SC” (RIN1625–AA08) (Docket No. USCG–2013–0552) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1914. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; RYR Sea Fairie Celebration Fireworks, Glen Cove, NY” (RIN1625–AA00) (Docket No. USCG–2013–0276) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1915. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Great Western Tube Float; Colorado River; Parker, AZ” (RIN1625–AA00) (Docket No. USCG–2013–0268) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1916. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Grain-Shipment and Grain-Grain Barge Traffic in vicinity of Marseilles Dam; Illinois River” (RIN1625–AA11) (Docket No. USCG–2013–0010) received in the Office
of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1918. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; 2013 Ocean City Air Show, Atlantic Ocean; Virginia Beach, VA” ((RIN1625–AA00) (Docket No. USCG–2013–0577)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1919. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone: USO Patriotic Festival Air Show, Atlantic Ocean; Virginia Beach, VA” ((RIN1625–AA00) (Docket No. USCG–2013–0577)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1920. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Salvage Operations at Mar- seilles Dam; Illinois River” ((RIN1625–AA00) (Docket No. USCG–2013–0405)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1921. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Flagship Niagara Mariners Ball Fireworks, Presque Isle Bay, Erie, PA” ((RIN1625–AA00) (Docket No. USCG–2013–0419)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation. 

EC–1922. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; 2013 Fish Festival Fireworks, Lake Erie, Vermilion, OH” ((RIN1625–AA00) (Docket No. USCG–2013–0163)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1929. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones and Special Local Regulations in the Captain of the Port Long Island Sound Zone” ((RIN1625–AA00, AA88) (Docket No. USCG–2012–1036)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1930. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Bay Village Independence Day Fireworks, Lake Erie, Bay Village, OH” ((RIN1625–AA00) (Docket No. USCG–2013–0313)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation. 

EC–1931. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area, WA” ((RIN1625–AA00) (Docket No. USCG–2012–1001)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1932. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Desert Fireworks, Lake Mead, Las Vegas, NV” ((RIN1625–AA00) (Docket No. USCG–2012–1003)) received in the Office of the President of the Senate on June 10, 2013; to the Committee on Commerce, Science, and Transportation. 

EC–1933. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Annual Fireworks Display in the Lea-Fi Area, Delaware County, NY” ((RIN1625–AA00) (Docket No. USCG–2012–1012)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

EC–1934. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Annual Fireworks Display in the Lea-Fi Area, Delaware County, NY” (RIN1625–AA00) (Docket No. USCG–2013–0334)) received in the Office of the President of the Senate on June 10, 2013, to the Committee on Commerce, Science, and Transportation. 

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS 

The following bills and joint resolutions were introduced, read the first and second times, by unanimous consent, and referred as indicated:

By Ms. Boxer: S. 1142. A bill to prohibit Members of Congress from receiving pay when the Federal Government is unable to meet obligations because the public debt limit has been reached; to the Committee on Homeland Security and Governmental Affairs. 

By Mr. Moran (for himself, Mr. Thune, and Mr. Tester): S. 1143. A bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services; to the Committee on Finance. 

By Mr. Rockefeller (for himself, Ms. Klobuchar, and Mr. Blumenthal): S. 1144. A bill to prohibit unauthorized telephone robocalls; to the Committee on Commerce, Science, and Transportation.

By Mr. Isakson (for himself, Mr. Murphy, Ms. Warren, Mr. Scott, and Mr. Nelson): S. 1145. A bill to amend the Employee Retirement Income Security Act of 1974 to require lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Kirk (for himself, Mr. Menendez, and Mr. Durbin): S. 1146. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay-to-play reform, and for other purposes; to the Committee on Environment and Public Works.

By Mr. Udall of Colorado: S. 1147. A bill to clarify the disposition of covered persons detained in the United States pursuant to the Authorization for Use of Military Force, and for other purposes; to the Committee on Armed Services.

By Mr. Heinrich (for himself and Mr. Moran): S. 1148. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide notice of average times for processing claims, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. Nelson (for himself and Mr. Schumer): S. 1149. A bill to reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and gun manufacturing and ammunition magazines; to the Committee on the Judiciary.

By Mr. Blumenthal: S. 1150. A bill to authorize the Attorney General to posthumously award a congressional gold medal to Constance Baker Motley; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Harkin: S. 1151. A bill to authorize the Secretary of Agriculture to establish the Agricultural Heritage Partnership in the State of Iowa; to the Committee on Energy and Natural Resources.

By Mr. Reed (for himself and Mr. Blunt): S. 1152. A bill to amend the Public Health Service Act to help build a stronger health care workforce; to the Committee on Health, Education, Labor, and Pensions.
At the request of Mr. Cardin, the name of the Senator from Connecticut (Mr. Murphy) was added as a co-sponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

At the request of Ms. Klobuchar, the name of the Senator from Delaware (Mr. Coons) was added as a co-sponsor of S. 394, a bill to prohibit and deter the theft of metal, and for other purposes.

At the request of Mr. Enzi, the names of the Senator from Arizona (Mr. Flake) and the Senator from New Mexico (Mr. Heinrich) were added as co-sponsors of S. 420, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide the dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

At the request of Mr. Hoeven, the name of the Senator from New Mexico (Mr. Udall) was added as a co-sponsor of S. 427, a bill to amend the Richard B. Russell National School Lunch Act to provide flexibility to school food authorities in meeting certain nutritional requirements for the school lunch and breakfast programs, and for other purposes.

At the request of Mr. Tester, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a co-sponsor of S. 534, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

At the request of Mr. Barrasso, the name of the Senator from Kansas (Mr. Roberts) was added as a co-sponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

At the request of Mr. Harkin, the name of the Senator from Missouri (Mr. Blunt) was added as a co-sponsor of S. 689, a bill to reauthorize and improve programs related to mental health and substance use disorders.

At the request of Ms. Klobuchar, the name of the Senator from Missouri (Mr. Blunt) was added as a co-sponsor of S. 717, a bill to direct the Secretary of Energy to establish a pilot program awarding grants to nonprofit organizations for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

At the request of Mr. Durbin, the name of the Senator from Ohio (Mr. Brown) was added as a co-sponsor of S. 718, a bill to create jobs in the United States by increasing United States exports to Africa by 20 percent in real dollar value within 10 years, and for other purposes.

At the request of Mr. Nelson, the name of the Senator from New Mexico (Mr. Heinrich) was added as a co-sponsor of S. 794, a bill to amend title X, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

At the request of Mr. Schumer, the names of the Senator from Illinois (Mr. Durbin), the Senator from Connecticut (Mr. Murphy), the Senator from Iowa (Ms. Hirono) and the Senator from North Carolina (Mrs. Hagan) were added as cosponsors of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

At the request of Mr. Rubio, the name of the Senator from Mississippi (Mr. Cochran) was added as a co-sponsor of S. 941, a bill to amend title X, United States Code, to prevent discriminatory misconduct against taxpayers by Federal officers and employees, and for other purposes.

At the request of Mr. Thune, the name of the Senator from Mississippi (Mr. Wicker) was added as a co-sponsor of S. 955, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

At the request of Mr. Inhofe, the name of the Senator from Wyoming (Mr. Enzi) was added as a co-sponsor of S. 965, a bill to eliminate oil exports from Iran by expanding domestic production.

At the request of Mr. Cornyn, the name of the Senator from Wisconsin (Mr. Baldwin) and the Senator from Senator of S. 993, a bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.

At the request of Mr. Warner, the name of the Senator from Virginia (Mr. Kaine) was added as a co-sponsor of S. 1000, a bill to require the Director of the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, and for other purposes.
At the request of Mr. REID, his name was added as a cosponsor of S. 1038, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1069
At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1069, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1079
At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1079, a bill to require the Director of the Bureau of Safety and Environmental Enforcement to promote the artificial reefs, and for other purposes.

S. 1116
At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. SCHAKOBI) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1123
At the request of Mr. CARPER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1130
At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Ms. GILLIBRAND) was added as a cosponsor of S. 1130, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1195
At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1190 proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1196
At the request of Mr. TESTER, the name of the Senator from Missouri (Ms. MURKOWSKY) was added as a cosponsor of amendment No. 1198 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1198
At the request of Mr. LEE, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 1208 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. ROCKEFELLER (for himself, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):
S. 1144. A bill to prohibit unauthorized third-party charges on wireline telephone bills, and for other purposes; to the Committee on Commerce, Science, and Transportation.
Mr. ROCKEFELLER. Mr. President, I rise to introduce the Fair Telephone Billing Act of 2013. This legislation would protect millions of American consumers and businesses from unauthorized charges on their wireline telephone bills.
In 2011, the Senate Commerce Committee, which I chair, completed a year-long investigation into unauthorized third-party charges on telephone bills, a practice commonly referred to as "cramming." The investigation confirmed that third-party billing through wireline telephone bills had likely cost American consumers and businesses billions of dollars in unauthorized charges.
This legislation will put an end to cramming on wireline bills once and for all. Unauthorized third-party charges on telephone bills have plagued consumers for years. Cramming first emerged in the 1990s. Following the breakup of AT&T and the detariffing of "billing and collection services" by the Federal Communications Commission, telephone companies opened their billing and collection systems to third-party companies offering a variety of services, some of which were completely unrelated to telephone services.
For the first time, telephone numbers worked like credit card numbers. Consequences of cramming were endless for consumers who purchased services with their telephone numbers and the charges for these services would later appear on their telephone bills.

There has been much debate over the extent to which telephone companies were required to allow third parties to place charges on customers' phone bills, but the last of any Federal obligations ended in 2007. Since that time, without the exception of a few requirements, telephone companies have been free to allow, or not allow, whatever companies they choose to place third-party charges on their customers' telephone bills. The telephone companies have chosen to allow third parties to place charges for all sorts of services.
Throughout the 1990s, state and federal law enforcement saw a dramatic increase in complaints about unauthorized charges on telephone bills. In response, the Federal Communications Commission and the telephone industry created voluntary guidelines to combat cramming.
Throughout the same period, Congress also convened hearings on the issue, and each time, the telephone industry used these voluntary guidelines to argue that congressional action on cramming was not needed. Several bills were introduced, but were not adopted. Now we find ourselves, over a decade later, still discussing cramming. We cannot make the same mistake again.
In 2010, I opened the Committee's investigation into cramming to better understand the scope of the cramming problem. The investigation showed that over the past decade, cramming caused extensive financial harm to all types of wireline customers from residences and small businesses, to government agencies and large companies. All the while, the largest telephone companies were making large profits, likely generating over $1 billion in revenue by placing third-party charges on their customers' telephone bills.
It was shocking to learn that many third-party vendors that were placing charges on telephone bills were illegitimate; they were developed solely to exploit a broken system. Consumers reported being charged $10 to $30 a month for so-called "services" that they never authorized. These included weekly e-mail messages with "celebrity gossip" and "fashion tips," and others completely unrelated to wireline telephone services—such as "online photo storage" and "electronic facsimile." In some of the most egregious examples, unauthorized charges had been added to the bills for telephone lines dedicated to fire alarms, security systems, bank vaults, elevators, and 911 services.
The Committee investigation also determined that what the services being charged to consumers' telephone bills seemed to serve no legitimate purpose, frequently did not function properly, and were often available elsewhere for free.
The investigation involved a review of thousands of consumer complaints and interviews with more than 500 individuals and business owners whose
telephone bills included charges from third parties. Not one of these individuals or entities believed they had authorized the charges.

Further, many of these consumers complained that when they found unauthorized charges on their telephone bills, they were unable to get the money refunded, either from the carrier or from the third-party vendor. That is unacceptable.

In response to the Committee’s investigation, the three largest wireline telephone companies—AT&T, Verizon, and CenturyLink—took positive steps to eliminate cramming on wireline telephone bills, including a decision to stop allowing the placement of most third-party charges on wireline telephone bills.

The Fair Telephone Billing Act will ensure that all wireline telephone companies and providers of interconnected VoIP services are required to take the same steps so that cramming on telephone bills never happens again.

In short, the bill would prohibit any local exchange carrier or provider of interconnected VoIP services from placing any third-party charge on a customer’s bill, unless the charge is for a billing service or a “bundled” service that is jointly marketed or sold with a company’s telephone service.

Under the bill, a telephone company that places prohibited charges on a customer’s bill is responsible for refunding the customer any charge for services the customer did not authorize.

The bill also includes a narrow exception for two categories of third-party billing services: telephone-related services, such as collect calls; and “bundled” services, such as satellite television services offered together with telephone service. This bill recognizes that such legitimate types of billing offer substantial benefit to consumers.

In recent years, increasing numbers of consumers have transitioned from traditional wireline telephone service to interconnected VoIP services and more are expected. Since consumers likely do not see a distinction between traditional wireline service and interconnected VoIP services, I believe these services need to be included. It is important to ensure that all telephone customers are offered the same protections from unauthorized charges.

It also has become clear that cramming now extends to wireless bills. When I introduced a similar bill last year, I included provisions that would have directed the Federal Communications Commission to create rules to prevent cramming on wireless telephone bills. Since that time, the Senate Commerce Committee has been examining cramming on wireless bills, and I believe this issue demands additional attention. I do not want to see in a wireless environment what has simply migrated from wireline to wireless. It is important that we examine the extent to which third-party wireless billing practices raise any issues distinct from third-party wireline billing practices, so we can best determine appropriate policies for protecting against consumer abuses in this context.

Cramming has likely already cost consumers billions. The Fair Telephone Billing Act would stop practices that Congress, regulators, and consumers agree are nothing more than a cover for fraud.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1144

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 “Fair Telephone Billing Act of 2013”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For years, telephone users have complained that their wireline telephone bills included unauthorized third-party charges.

(2) This problem, commonly referred to as “cramming,” first appeared in the 1990s, after wireline telephone companies opened their billing platforms to an array of third-party vendors offering a variety of services.

(3) Since the 1990s, the Federal Communications Commission, the Federal Trade Commission, and State attorneys general have brought multiple enforcement actions against domestic individuals and companies for engaging in cramming.

(4) An investigation by the Committee on Commerce, Science, and Transportation of the Senate confirmed that cramming is a problem of massive proportions and has affected millions of telephone users, costing them billions of dollars in unauthorized third-party charges over the past decade.

(5) The Committee showed that third-party billing through wireline telephone numbers has largely failed to become a reliable method of protecting consumers and businesses can use to conduct legitimate commerce.

(6) Telephone companies regularly placed third-party charges on customers’ telephone bills without their customers’ authorization.

(7) Many companies engaged in third-party billing services marketed solely to exploit the weaknesses in the third-party billing platforms established by telephone companies.

(8) In the last decade, millions of business and residential consumers have transitioned from wireline telephone service to interconnected VoIP service.

(9) Users of interconnected VoIP service often use the service as the primary telephone line for their residences and businesses.

(10) Millions more business and residential consumers are expected to migrate to interconnected VoIP service in the coming years as the evolution of the nation’s traditional voice communications networks to IP-based networks continues.

(11) Users of interconnected VoIP service that have telephone numbers through the service should be protected from the same vulnerabilities that affected third-party billing through wireline telephone numbers.

SEC. 3. UNAUTHORIZED THIRD-PARTY CHARGES.

(a) In general—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended—

(1) by amending the heading to read as follows:—“SEC. 258. PREVENTING ILLEGAL CHANGES IN SUBSCRIBER CARTER SELECTED AND UNAUTHORIZED THIRD-PARTY CHARGES.”; and

(2) by adding at the end the following:

“(c) Prohibition.—

“(1) In general.—No local exchange carrier or provider of interconnected VoIP service shall place or cause to be placed a third-party charge that is not directly related to the provision of telephone services on the bill of a customer, unless:

“(A) the third-party charge is from a contracted third-party vendor;

“(B) the third-party charge is for a product or service that a local exchange carrier or provider of interconnected VoIP service jointly markets or jointly sells with its own service;

“(C) the customer was provided with clear and conspicuous disclosure of all material terms and conditions prior to consenting under subparagraph (D); and

“(D) the customer provided affirmative consent for the placement of the third-party charge on the bill; and

“(E) the local exchange carrier or provider of interconnected VoIP services that commits a violation of paragraph (1) shall be subject to a civil forfeiture, which shall be determined in accordance with section 503 of title V of this Act, except that the amount of the penalty shall be double the otherwise applicable amount of the penalty under that section.

“(2) Refund.—Any local exchange carrier or provider of interconnected VoIP service that commits a violation of paragraph (1) shall be liable to the customer in an amount equal to all charges paid by that customer related to the violation of paragraph (1), in accordance with such procedures as the Commission may prescribe.

“(3) Additional remedies. —The remedies under this subsection are in addition to any other remedies provided by law.

(b) Definitions.—In this section:

“(A) AFFIRMATIVE CONSENT.—The term ‘affirmative consent’ means express verifiable authorization.

“(B) CONTRACTED THIRD-PARTY VENDOR.— The term ‘contracted third-party vendor’ means a person that has a contractual right to receive billing and collection services from a local exchange carrier or provider of interconnected VoIP service for a product or service that the person provides directly to a customer.

“(C) THIRD-PARTY CHARGE.—The term ‘third-party charge’ means a charge for a product or service not provided by a local exchange carrier or a provider of interconnected VoIP service.

“(d) Rulemaking.—

“(1) In general.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Federal Trade Commission, shall prescribe any rules necessary to implement the provisions of this section.

“(2) Minimum contents.—At a minimum, the regulations promulgated by the Federal Communications Commission under this subsection shall—

“(A) determine how local exchange carriers and providers of interconnected VoIP service will obtain affirmative consent from a consumer for a third-party charge;

“(B) include adequate protections to ensure that consumers are fully aware of the charges to which they are consenting; and

“(C) include adequate protections to ensure that consumers are fully aware of the charges to which they are consenting; and
(C) impose record keeping requirements on local exchange carriers and providers of interconnected VoIP service related to any grants of affirmative consent by consumers.

(c) Effect of Date.—The Federal Communications Commission shall prescribe that any rule adopted under subsection (b) shall become effective for a local exchange carrier or provider of interconnected VoIP service not later than the date that the carrier’s or provider’s contractual obligation to permit another person to charge a customer for a good or service on a bill rendered by the carrier or provider expires, or 180 days after the date of enactment of this Act, whichever is earlier.

SEC. 4. RELATIONSHIP TO OTHER LAWS.

(a) No Preemption of State Laws.—Nothing in this Act shall be construed to preempt any State law, except that no State law may relieve any person of a requirement otherwise applicable under this Act.

(b) Preservation of FTC Authority.—Nothing in this Act shall be construed as modifying, limiting, or otherwise affecting the applicability of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other law enforced by the Federal Trade Commission.

SEC. 5. SEVERABILITY.

If any provision of this Act or the application of that provision to any person or circumstance is held invalid, the remainder of this Act and the application of that provision to any person or circumstance shall not be affected thereby.

By Mr. REED (for himself and Mr. BLUNT):

S. 1152. A bill to amend the Public Health Service Act to help build a stronger health care workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senator BLUNT in the introduction of the Building a Health Care Workforce for the Future Act.

According to the Association of American Medical Colleges, by 2020, there will be a shortage of 91,000 physicians. Approximately half of the shortage, or 45,000, will be in primary care. Individuals and families living in underserved areas, urban and rural, will continue to be those most disadvantaged by this shortage. According to the Pew Research Center, roughly 10,000 baby boomers will become eligible for Medicare every day through 2030. The most recent estimates from the Congressional Budget Office predict that 27 million individuals will gain access to health insurance by 2017 as a result of the Affordable Care Act. With an aging population and increasing number of individuals with health insurance, the gap between patients and providers is expected to widen. The Affordable Care Act took steps to address this shortage, but we can do more.

The Building a Health Care Workforce for the Future Act would authorize programs that would grow the overall number of health care providers, as well as encourage providers to pursue careers in urban and rural, and publicly and practice areas of highest need.

Building on the success of the National Health Service Corp, NHSC, Scholarship and Loan Repayment Programs, and State Loan Repayment Program, this legislation would establish a state scholarship program. Like the NHSC State Loan Repayment Program, States would be able to receive a dollar-for-dollar match to support individuals that commit to practicing in the State in which the scholarship was issued after completing their education and training. At least 50 percent of the funding would be required to support individuals pursuing careers in primary care. The States would have the flexibility to use the remaining 50 percent to support scholarships to educate students in other documented health care professional shortages in the state that are approved by the Secretary of Health and Human Services.

The Building a Health Care Workforce for the Future Act would also authorize grants to medical schools to develop primary care mentors on faculty and in the community. According to the Association of American Medical Colleges, graduating medical students consistently identify time and flexibility models as one of the most important factors affecting the career path they choose. Building a network of primary care mentors in the classroom and in a variety of practice settings will help guide more medical students into careers in primary care.

The legislation would couple these mentorship grants with an initiative to improve the education and training offered by medical schools in complementary health care professional care, including patient-centered medical homes, primary and behavioral health integration, and team-based care.

It would also direct the Institute of Medicine (IOM) to study and make recommendations about ways to limit the administrative burden on providers in documenting cognitive services delivered to patients. Primary care providers are most often providers of these services almost exclusively, and as such, spend a significant percentage of their day documenting. That is not the case for providers who perform procedures, like surgeries. This IOM study would help uncover ways to simplify documentation requirements, particularly for delivering cognitive services, in order to eliminate one of the potential factors that may discourage medical students from pursuing careers in primary care.

I am pleased that providers across the spectrum of care recognize that this bipartisan legislation is part of the solution to addressing the looming health care workforce shortage and have committed support, including: the Alliance of Specialty Medicine, the American Association of Colleges of Osseopathic Medicine, the American College of Physicians, the American Osteopathic Association, the Association of Directors of Resident Education in Hospitals, the Association of American Medical Colleges, and the Society of General Internal Medicine.

I look forward to working with these and other stakeholders as well as Senator BLUNT and our colleagues to pass the Building a Health Care Workforce for the Future Act in order to help ensure patients have access to the health care they need.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 168—DESIGNATING JUNE 2013 AS ‘NATIONAL APHASIA AWARENESS MONTH’ AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON of South Dakota (for himself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

WHEREAS aphasia is a communication impairment caused by brain damage that typically results from a stroke;

WHEREAS aphasia can also occur with other neurological disorders, such as a brain tumor;

WHEREAS many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

WHEREAS the effects of aphasia may include a loss of, or reduction in, the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

WHEREAS, according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the ‘NINDS’), strokes are the third-leading cause of death in the United States, ranking behind heart disease and cancer;

WHEREAS strokes are a leading cause of severe, long-term disability in the United States;

WHEREAS the NINDS estimates that there are approximately 5,000,000 stroke survivors in the United States;

WHEREAS the NINDS estimates that people in the United States suffer approximately 750,000 strokes per year, with about 20% of the strokes resulting in aphasia;

WHEREAS, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

WHEREAS the NINDS estimates that more than 200,000 people in the United States acquire aphasia each year;

WHEREAS the people of the United States should strive to learn more about aphasia and to promote research, rehabilitation, and support services for people with aphasia and their caregivers throughout the United States; and

WHEREAS people with aphasia and their caregivers envision a world that recognizes the “silent” disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2013 as “National Aphasia Awareness Month”;

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States; and

(4) acknowledges that aphasia deserves more attention and study to find new solutions for people experiencing aphasia and their caregivers;
(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and
(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

SENATE RESOLUTION 169—DESIGNATING THE MONTH OF JUNE 2013 AS "NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS MONTH"

Ms. HIRONO (for herself, Mr. BOOZMAN, Mr. ROCKEFELLER, Mr. TESTER, Mr. BLUMENTHAL, Mr. BENGICH, Ms. HIROMO, Mrs. MURRAY, Mr. JOHANNS, Mr. FRANKEN, Mr. DONELLY, Mr. MORAN, Ms. STABENOW, Mr. SANDERS, Mr. HELLER, Mr. LEAHY, Mr. HOEVEN, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

Resolved, That the Senate—
(1) designates June 2013 as "National Post-Traumatic Stress Disorder Awareness Month";
(2) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, the families of service members and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and
(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1226. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1227. Mr. HELLER (for himself and Mr. Reid) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1228. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1229. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1230. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1231. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1232. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1233. Mr. REED (for himself, Mr. SCHUMER, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1234. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1235. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1236. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1237. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1238. Mr. RISCH (for himself and Mr. CRAPPO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1239. Mr. RISCH (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1240. Mrs. BOXER (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1241. Mr. UDALL of New Mexico (for himself and Mr. HINICH) submitted an amendment intended to be proposed by Mr. MURPHY, Mr. PETERS, Mr. BARRASSO, and Mr. BURKE to amend section 201 of the American Recovery and Reinvestment Act of 2009, to provide additional resources to study the potential connection between trauma-related symptoms and health care outcomes for individuals who were exposed to trauma as a result of their military service, and for other purposes; which was ordered to lie on the table.

SA 1242. Mr. UDALL of New Mexico (for himself and Mr. HINICH) submitted an amendment intended to be proposed by Mr. BURKETT, Mr. MITCHELL, and Mr. HOBBS to provide additional education resources for the 21st century 21st century workforce, and for other purposes; which was ordered to lie on the table.

SA 1243. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1244. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1245. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1246. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1247. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1248. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1249. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1250. Mrs. FEINSTEIN (for herself and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1251. Mr. CORNYN (for himself, Mr. CRAPPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURK, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. BURKE) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1252. Mr. CASEY (for himself, Mr. SCHUMER, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1253. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1254. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1251. Mr. CORNYN (for himself, Mr. CRAPPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURK, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. BURKE) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1255. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1256. Mr. MORA (for himself) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1257. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1258. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS
Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 861, between lines 9 and 10, insert the following:

(4) JOINT RESOLUTION OF APPROVAL.—
(A) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may not exercise any authority to grant temporary or permanent residence to individuals who are unlawfully present in the United States or adjust the status of such individuals to that of aliens lawfully admitted for permanent residence without the certification of the Secretary of Homeland Security or the Attorney General of the United States.

(B) CONTENTS OF JOINT RESOLUTION.—In this paragraph, the term “joint resolution” means a joint resolution that—
(i) that is introduced not later than 3 calendar days after the date on which Congress receives written certification from the Inspector General of the Department of Homeland Security pursuant to paragraph (3), there is enacted into law the act approving the certification of the Secretary.

(C) ENGAGEMENT OF FORUM.—In this paragraph, the term “engagement of forum” means—
(i) that the title of which is as follows: “Joint resolution relating to the approval of the certification of the Secretary of Homeland Security obligations under the Border Security, Economic Opportunity, and Immigration Modernization Act”;

(ii) that does not have a preamble;

(iii) the matter after the resolving clause of which is as follows: “Approved by the President under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) at every land, sea, and air port of entry”.

(D) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—
(A) RECONVENING.—Upon receipt of a certified copy of the Secretary under paragraph (3), the Speaker or the House shall reconvene not later than the sixth day after the date on which Congress receives the certification of the Secretary.

(B) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the certification described in paragraph (3). If a committee of which a joint resolution is referred fails to report it to the House not later than 5 calendar days after receipt of such certification, it shall be placed immediately on the calendar.

(C) CONSIDERATION.—After each committee to which a joint resolution is referred shall report it to the House, that committee shall consider the joint resolution. The joint resolution shall be considered by the House not later than 5 calendar days after the date of receipt of the certification described in paragraph (3), to move to proceed to the consideration of the joint resolution. The joint resolution shall be placed immediately on the calendar.

(D) PROCEEDING TO CONSIDERATION.—After the House convenes not later than the second calendar day after receipt of such certification, the Speaker shall order the joint resolution to be placed immediately on the calendar.

(E) TREATMENT OF JOINT RESOLUTION OF APPROVAL.—
(A) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of the other House, the joint resolution shall be disapproved by the other House, the joint resolution shall be disapproved by the other House.
in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

SEC. 1226—Consideration After Passage.

(b) Definitions—In this section:

(A) Annual Inflation Adjustment Requirement.

(B) Average Operating Airports

(C) Budget for the Period

(D) Delegation

(E) Effectiveness Report

(F) Federal Workforce Agency

(G) Foreign Agent

(H) Homeland Security

(I) Homeland Security and Governmental Affairs

(J) Immigration and Nationality

(K) Immigration and Naturalization

(L) Indemnity

(M) Interstate Commerce

(N) Judicial

(O) Labor

(P) Law Enforcement

(Q) Law Enforcement Officer

(R) Law Enforcement Officers

(S) Law Enforcement Organization

(T) Law Enforcement Unit

(U) Liabilities

(V) Liability

(W) Litigation

(X) Local Government

(Y) Local Governmental Entity

(Z) Local Police

AA. Law Enforcement Agency

BB. Law Enforcement Agency

CC. Law Enforcement Agency

DD. Law Enforcement Agency

EE. Law Enforcement Agency

FF. Law Enforcement Agency

GG. Law Enforcement Agency

HH. Law Enforcement Agency

II. Law Enforcement Agency

JJ. Law Enforcement Agency

KK. Law Enforcement Agency

LL. Law Enforcement Agency

MM. Law Enforcement Agency

NN. Law Enforcement Agency

OO. Law Enforcement Agency

PP. Law Enforcement Agency

QQ. Law Enforcement Agency

RR. Law Enforcement Agency

SS. Law Enforcement Agency

TT. Law Enforcement Agency

UU. Law Enforcement Agency

VV. Law Enforcement Agency

WW. Law Enforcement Agency

XX. Law Enforcement Agency

YY. Law Enforcement Agency

ZZ. Law Enforcement Agency

AA. Law Enforcement Agency

BB. Law Enforcement Agency
(c) DEPARTMENT OF LABOR.—

(1) RECRUITMENT.—As a component of the labor certification process required before H–2B nonimmigrants are offered forestry employment in the United States, the Secretary of Labor shall require all prospective H–2B employers, before they submit a petition to hire H–2B nonimmigrants to work in forestry, to make substantial efforts to attract United States workers, including, to the extent the State workforce agency considers appropriate—

(A) advertising at employment or job-placement events, such as job fairs;

(B) advertising with State or local workforce agencies, nonprofit organizations, or other appropriate entities, and working with such entities to identify potential employees;

(C) advertising in appropriate media, including local radio stations and commonly used, reputable Internet job-search sites; and

(D) such other recruitment strategies as the State workforce agency considers appropriate for the sector or positions for which H–2B nonimmigrants would be considered.

(2) SEPARATE PETITIONS.—A prospective H–2B employer shall submit a separate petition for each State in which the employer plans to employ H–2B nonimmigrants in forestry for a period of 7 days or longer.

(d) STATE WORKFORCE AGENCIES.—The Secretary shall not grant a temporary labor certification to a prospective H–2B employer seeking to employ H–2B nonimmigrants in forestry until after the Director of the State workforce agency—

(1) has, after formally consulting with the workforce agency director of each contiguous State listed on the prospective H–2B employer's petition, determined that—

(A) the employer has compiled with all recruitment requirements set forth in subsection (c) and there is a legitimate demand for the following H–2B nonimmigrants in each of those States; or

(B) the employer has amended the application by removing or making appropriate modifications with respect to the States in which the criteria set forth in subparagraph (A) have not been met;

(2) certifies that the prospective H–2B employer has satisfied all recruitment requirements set forth in subsection (c) or any other applicable provision of law; and

(3) makes a formal determination that national security interests of States are not satisfied or available to fill the employment opportunities offered by the prospective H–2B employer.

SA 1238. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1392, line 13, strike “(F)” and insert the following:

“(F) EXCEPTION.—Any employer who violates any provision of this section, including, but not limited to, failure to query the System to verify the identity and work authorization status of an individual or failure to comply with all recruitment requirements under subsection (d), shall not be subject to any civil or criminal penalty under this Act unless the Secretary determines, by the appropriate evidentiary standard of proof, that the individual in question is not authorized to work in the United States. Nothing in this subparagraph may be construed to limit the safe harbor provision under section 106A(c)(2) of the Border Security, Economic Opportunity and Immigration Modernization Act or the good faith defenses under subsections (a)(5), (a)(6), and (d)(5).”

SA 1239. Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 908, between lines 7 and 8, insert the following:

(e) BORDER ENFORCEMENT SECURITY TASK FORCE.—

(1) IN GENERAL.—The Secretary shall enhance law enforcement preparedness and operational readiness in the Southwest border region by expanding the Border Enforcement Security Task Force (referred to in this section as “BEST”), established under section 432 of the Homeland Security Act of 2002 (6 U.S.C. 240).

(2) UNITS TO BE EXPANDED.—The Secretary shall expand the BEST units operating on the date of the enactment of this Act in New Mexico, Texas, Arizona, and California by increasing the funding available for operational, administrative, and technological costs associated with the participation of health authorities, local and tribal law enforcement agencies in BEST.

SA 1242. Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 1115, insert the following:

SEC. 1116. BORDER INFECTIOUS DISEASE SURVEILLANCE PROJECT.

(a) FUNDING FOR BORDER STATES.—Of the amount in the Comprehensive Immigration Reform Trust Fund established by section 6(a), $5,000,000 shall be made available to the Secretary of Health and Human Services for the purpose of establishing at least one Bestor Infectious Disease Surveillance project in each frontier region along the United States border with Mexico, by expanding the BEST.

(b) USE OF FUNDS.—Amounts made available under subsection (a) shall be used to implement priority surveillance, epidemiology, and preparedness activities in the regions along the Northern border or the Southern border to respond to potential outbreaks and epidemics, including those caused by potential bioterrorism agents.

(c) ALLOCATION OF FUNDS.—Of the amounts made available under subsection (a)—

(1) $1,500,000 shall be made available to States along the Northern border, which may use the infrastructure of the Assistant Secretary for Preparedness and Response of the Department of Health and Human Services; and

(2) $3,500,000 shall be made available to States along the Southern border.

SA 1243. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 954, beginning on line 20, strike “and” and all that follows through “(III)” on line 21, and insert the following:

“(III) an affidavit from the alien stating that the alien—

(aa) unlawfully entered the United States on or before December 31, 2012; or
“(bb) remained in the United States after the expiration of a valid visa, which expiration occurred before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(iV) On page 1045, line 14, strike the period at the end and insert the following: “, including an affidavit from the alien stating that the alien—

(i) unlawfully entered the United States on or before December 31, 2012; or

(ii) remained in the United States after the expiration of a valid visa, which expiration occurred before the date of the enactment of this Act.

On page 1477, beginning on line 9, strike “and” and all that follows through “(E)” on line 10, and insert the following:

“(E) submits an affidavit to the Secretary of Homeland Security or the Attorney General stating that the alien—

(i) unlawfully entered the United States on or before December 31, 2012; or

(ii) remained in the United States after the expiration of a valid visa, which expiration occurred before the date of the enactment of this Act.

On page 2212, in subsection (b)(3) of section 2309 of this Act on eligibility for Federal means-tested public benefits for any alien granted blue card status under that section;

(4) waive the prohibition under subsection (c) of section 2309 of this Act on eligibility for Federal means-tested public benefits for any noncitizen who is lawfully present in the United States on or before December 31, 2012, or

(5) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)); or

(6) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)) on the date of the enactment of this Act.

SA 1244. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1679, line 23, strike the period and insert the following: “, including with respect to work participation requirements. The Secretary also may not otherwise permit a State not to comply with, or modify or extend any such project, in order to achieve waivers described in subsection (a) or subparagraphs (A) through (E) of paragraph (1) of this subsection, that is granted before the date of the enactment of this section is hereby rescinded and shall be null and void.”

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as limiting the authority of the Secretary of Health and Human Services under section 1115 of the Social Security Act (42 U.S.C. 601 et seq.) to be regranted as an allowable use of funds under that program for any period.

(2) RESCISSION OF WAIVERS AND HUB PROJECTS.—Any waiver, and any approval of any experimental, pilot, or demonstration project under section 1115 of the Social Security Act (42 U.S.C. 601 et seq.), including with respect to the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including a State application for a project to operate the Medicaid program with a block grant for the federal share of the program funding.

SA 1247. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 952, strike lines 4 through 21 and insert the following:

“(2) PAYMENT OF TAXES.—

“(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of any applicable Federal tax liability.

“(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means, with respect to an alien—

(i) all Federal income and employment taxes owed by such alien for any period in which such alien was present in the United States, and

(ii) any interest and penalties owed by such alien for any period in which such alien was present in the United States, and

(iii) any other interest and penalties owed by such alien for any period in which such alien was present in the United States.

(C) DEMONSTRATION OF COMPLIANCE.—

(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of Treasury that—

(ii) no applicable Federal tax liability exists;

(iii) all outstanding applicable Federal tax liabilities have been paid; and

(iv) the applicant has entered into an agreement for payment of all outstanding

SEC. 2. ENSURING COMPLIANCE WITH RESTRICTIONS ON WELFARE AND PUBLIC BENEFITS FOR ALIENS (a) General Provisions.—No officer or employee of the Federal Government may—

(1) waive compliance with any requirement in title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) in effect on the date of enactment of this Act or with any restriction on eligibility for any form of assistance or benefit described in section 493(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)); or

(2) waive the prohibition under subsection (d)(3) of section 263B of the Immigration and Nationality Act (8 U.S.C. 1227) on the date of the enactment of this Act on eligibility for Federal means-tested public benefits for any alien granted registered provisional immigrant status under subsection 263B of the Immigration and Nationality Act;

(3) waive the prohibition under subsection (a)(2)(C) of section 2211 of this Act on eligibility for Federal means-tested public benefits for any alien granted blue card status under that section;

(4) waive the prohibition under subsection (c) of section 2309 of this Act on eligibility for Federal means-tested public benefits for any noncitizen who is lawfully present in the United States on or before December 31, 2012, or

(5) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)); or

(6) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)) on the date of the enactment of this Act.

SEC. 3. MODIFICATION OF MANDATORY CONDITIONS ON STATE FUNDING (a) General Provisions.—Section 1115 of the Social Security Act (42 U.S.C. 601 et seq.) is amended by striking subparagraph (A) and inserting the following:

‘‘(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of any applicable Federal tax liability.

‘‘(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means, with respect to an alien—

(i) all Federal income and employment taxes owed by such alien for any period in which such alien was present in the United States, and

(ii) any interest and penalties owed by such alien for any period in which such alien was present in the United States, and

(iii) any other interest and penalties owed by such alien for any period in which such alien was present in the United States.

(C) DEMONSTRATION OF COMPLIANCE.—

(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of Treasury that—

(ii) no applicable Federal tax liability exists;

(iii) all outstanding applicable Federal tax liabilities have been paid; and

(iv) the applicant has entered into an agreement for payment of all outstanding

SEC. 4. MODIFICATION OF MANDATORY CONDITIONS ON FEDERAL FEDERAL TAX LIABILITY.

SEC. 5. MODIFICATION OF MANDATORY CONDITIONS ON STATE FUNDING (a) General Provisions.—Section 1115 of the Social Security Act (42 U.S.C. 601 et seq.) is amended by striking subparagraph (A) and inserting the following:

‘‘(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of any applicable Federal tax liability.

‘‘(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means, with respect to an alien—

(i) all Federal income and employment taxes owed by such alien for any period in which such alien was present in the United States, and

(ii) any interest and penalties owed by such alien for any period in which such alien was present in the United States, and

(iii) any other interest and penalties owed by such alien for any period in which such alien was present in the United States.

(C) DEMONSTRATION OF COMPLIANCE.—

(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of Treasury that—

(ii) no applicable Federal tax liability exists;

(iii) all outstanding applicable Federal tax liabilities have been paid; and

(iv) the applicant has entered into an agreement for payment of all outstanding

SEC. 6. MODIFICATION OF MANDATORY CONDITIONS ON STATE FUNDING (a) General Provisions.—Section 1115 of the Social Security Act (42 U.S.C. 601 et seq.) is amended by striking subparagraph (A) and inserting the following:

‘‘(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of any applicable Federal tax liability.

‘‘(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means, with respect to an alien—

(i) all Federal income and employment taxes owed by such alien for any period in which such alien was present in the United States, and

(ii) any interest and penalties owed by such alien for any period in which such alien was present in the United States, and

(iii) any other interest and penalties owed by such alien for any period in which such alien was present in the United States.

(C) DEMONSTRATION OF COMPLIANCE.—

(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of Treasury that—

(ii) no applicable Federal tax liability exists;

(iii) all outstanding applicable Federal tax liabilities have been paid; and

(iv) the applicant has entered into an agreement for payment of all outstanding

SEC. 7. MODIFICATION OF MANDATORY CONDITIONS ON STATE FUNDING (a) General Provisions.—Section 1115 of the Social Security Act (42 U.S.C. 601 et seq.) is amended by striking subparagraph (A) and inserting the following:

‘‘(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has established the payment of any applicable Federal tax liability.

‘‘(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means, with respect to an alien—

(i) all Federal income and employment taxes owed by such alien for any period in which such alien was present in the United States, and

(ii) any interest and penalties owed by such alien for any period in which such alien was present in the United States, and

(iii) any other interest and penalties owed by such alien for any period in which such alien was present in the United States.

(C) DEMONSTRATION OF COMPLIANCE.—

(i) IN GENERAL.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of Treasury that—

(ii) no applicable Federal tax liability exists;

(iii) all outstanding applicable Federal tax liabilities have been paid; and

(iv) the applicant has entered into an agreement for payment of all outstanding
applicable Federal tax liabilities with the Secretary of the Treasury.

(ii) Documentation.—The Secretary of the Treasury shall—

(I) maintain records and documentation for aliens who have established the payment of all applicable Federal tax liability to which this paragraph applies; and

(II) provide such documentation to an alien upon request.

(iii) Secretary of the Treasury.—For purposes of this paragraph, the term 'Secretary of the Treasury' includes any delegate (as defined in section 7701(a)(12)(A)(i) of the Internal Revenue Code of 1986) of the Secretary of the Treasury.

(D) Regulatory Authority.—The Secretary of the Treasury shall issue regulations to carry out the purposes of this paragraph, including regulations relating to the determination of whether applicable Federal tax liability has been satisfied and the issuance of documentation under subparagraph (C)(i)(II).

On page 970, line 23, strike ‘‘has satisfied’’ and insert ‘‘has established the payment of’’.

On page 985, strike lines 1 through 19 and insert the following:

(2) Payment of Taxes.—

(A) In General.—An applicant may not file an application for adjustment of status under this section unless the applicant has established the payment of all applicable Federal tax liability.

(B) Federally Deferred Tax Liability.—In this paragraph, the term ‘‘applicable Federal tax liability’’ means, with respect to an alien—

(I) all Federal income and employment taxes owed by such alien for the period beginning on the date on which the applicant was authorized to work in the United States and ending on the date on which the alien was authorized to work in the United States during such quarter.

(ii) any interest and penalties owed in connection with such taxes.

(C) Demonstration of Compliance.—

(I) In General.—An applicant shall demonstrate compliance with this paragraph by establishing to the satisfaction of the Secretary of the Treasury that—

(1) all Federal income and employment taxes owed by such alien for the period beginning on the date on which the applicant was authorized to work in the United States have been met; or

(2) the alien has entered into an agreement for payment of all outstanding applicable Federal tax liabilities with the Secretary of the Treasury.

(ii) Documentation.—The Secretary of the Treasury shall—

(1) maintain records and documentation for aliens who have established the payment of all applicable Federal tax liability to which this paragraph applies; and

(2) provide such documentation to an alien upon request.

(iii) Secretary of the Treasury.—For purposes of this paragraph, the term ‘‘Secretary of the Treasury’’ includes any delegate (as defined in section 7701(a)(12)(A)(i) of the Internal Revenue Code of 1986) of the Secretary of the Treasury.

(D) Regulatory Authority.—The Secretary of the Treasury shall issue regulations to carry out the purposes of this paragraph, including regulations relating to the determination of whether applicable Federal tax liability has been satisfied and the issuance of documentation under subparagraph (C)(i)(II).

On page 1061, line 13, strike ‘‘(5)’’ and insert the following:

(5) Application of Waiting Periods for Purposes of PPACA.—The provisions of section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall apply to an alien described in paragraph (6) if the alien satisfies the following:

(A) is not entitled to the premium assistance payment for the month in which the alien is granted blue card status, and

(B) was authorized to be employed in the United States during such quarter.

(D) Agreement.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 1401t), and

shall be subject to the rules applicable to individuals not lawfully present that are set forth in section 1402(e) of the Patient Protection and Affordable Care Act, beginning on the date on which such alien becomes an alien lawfully admitted for permanent residence under section 245C of the Immigration and Nationality Act, as added by section 2102 of this Act.

SA 1248. Mr. HATCH (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1031, after line 22, insert the following:

(d) Preclusion of Social Security Credits for Periods Without Work Authorization.—

(I) Insured Status.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

(C) Insured Status.—

(1) In General.—Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

(2) Exception.—Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

(D) Agreement.—Not later than 180 days after the date of the enactment of this subsection, the Commissioner of Social Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (c).
SA 1250. Mrs. FEINSTEIN (for herself and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

On page 883, strike lines 19 through 22 and insert the following:

(funding level provided in this Act; 
(xviii) costs to the Judiciary estimated to be caused by the implementation of this Act and the amendments made by this Act, as the Secretary and the Judicial Conference of the United States shall jointly determine in consultation with the Judiciary; 
(xix) the operations and maintenance costs associated with the implementation of clauses (i) through (xviii).)

SA 1251. Mr. CORNYN (for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURD, Mr. CHAMBLISS, Mr. JOHANNES, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2 and all that follows through the end of title I inserting the following:

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) The sovereign nation has an unconditional right and duty to secure its territory and people, which right depends on control of its international borders. The sovereign people of several states of the United States have delegated these sovereign functions to the Federal Government (United States Constitution, article 1, section 8, clause 4). The liberty and prosperity of the people depends on the execution of this duty.

(2) The passage of this Act recognizes that the Federal Government must secure the sovereignty of the United States of America and establish a coherent and just system for integrating those who seek to join American society.

(3) The United States has failed to control its Southern border. The porousness of that border has contributed to the proliferation of the narcotics trade and its attendant violent crime, and smuggling and trafficking of persons across the border is an ongoing human rights scandal.

(4) We have always welcomed immigrants to the United States and will continue to do so, but in order to qualify for the honor and privilege of eventual citizenship, our laws and regulations on immigration reflect the belief that America to be strong economically, militarily, and ethnically. The establishment of a just, and efficient immigration system for the Nation. We have the right and responsibility to make our borders safe, to establish clear and just rules for seeking citizenship, to control the flow of immigration, and to eliminate illegal immigration, which in some cases has become a threat to our national security.

(5) Throughout, many lawful immigrants have assimilated into American society and contributed to our strength and prosperity. Our immigration policy strives to uphold the values of the United States Constitution and seek to contribute to our nation’s greatness. But no person has a right to enter the United States unless by its express permission and in accordance with the procedures established by law.

(6) This Act is premised on the right and need of the United States to achieve two goals, and to protect its borders and maintain its sovereignty.

SEC. 3. EFFECTIVE DATE TRIGGERS.

(a) Definitions.

(i) In this section and section 4 through 8 of this Act: 

(1) COMMISSION.—The term “Commission” means the Southern Border Security Commission established by section 4.

(2) COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.—The term “Comprehensive Southern Border Security Strategy” means the strategy established by the Secretary pursuant to section 5(a) to achieve and maintain operational control and full situational awareness of the Southern border.

(3) CONSEQUENCE DELIVERY SYSTEM.—The term “Consequence Delivery System” means the series of consequences applied to persons illegally entering the United States by U.S. Border Patrol to prevent illegal border crossing recidivism.

(4) EFFECTIVENESS RATE.—The term “effectiveness rate” means a metric, informed by situational awareness, that measures the percentage calculated by dividing—

(A) the number of illegal border crossers who are apprehended back during a fiscal year (excluding those who are believed to have turned back for the purpose of engaging on the southern border.

(B) the total number of illegal entries in the sector during that fiscal year.

(5) FULL SITUATIONAL AWARENESS.—The term “Full situational awareness” means a condition wherein the Secretary has a comprehensive awareness of the entire Southern border, including the functioning and operational capability to conduct continuous and effective intelligence, information, monitoring, sensing, or surveillance of 100 percent of Southern border mileage or the immediate vicinity of the Southern border.

(6) MAJOR VIOLATOR.—The term “major violator” means a person or entity that has engaged in serious criminal activities at any port of entry along the Southern border, including possession of narcotics, smuggling of prohibited products, human smuggling, human trafficking, weapons possession, use of fraudulent United States documents, or other offenses serious enough to result in arrest.

(7) NORTHERN BORDER.—The term “Northern border” means the international border between the United States of America and Canada.

(8) OPERATIONAL CONTROL.—The term “operational control” means that, within each and every sector of the Southern border, the Secretary shall have full situational awareness, of not lower than 90 percent.

(9) SITUATIONAL AWARENESS.—The term “situational awareness” means knowledge and an understanding of current illicit cross-border activity, including cross-border drug trafficking and unlawful crossings along the international borders of the United States and in the maritime environments.”

(b) BORDER SECURITY GOALS.—The border security goals of the Department shall be—

(1) to achieve and maintain operational control of the Southern border within 5 years of the date of the enactment of this Act;

(2) to achieve and maintain full situational awareness of the Southern border within 5 years of the date of the enactment of this Act;

(3) to fully implement a biometric entry and exit system at all land, air, and sea ports of entry in accordance with the requirements set forth in section 7206 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1324a), as amended by section 3101 of this Act, within 5 years of the date of the enactment of this Act; and

(4) to implement a mandatory employment verification system required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101 of this Act, within 5 years of the date of the enactment of this Act.

(c) TRIGGERS.

(1) PROCESSING OF APPLICATIONS FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—Not earlier than the date upon which the Secretary has submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives the Notice of Commencement of implementation of the Comprehensive Southern Border Security Strategy required by section 5 of this Act, the Secretary shall process applications for registered provisional immigrant status pursuant to section 243b of the Immigration and Nationality Act, as added by section 2111 of this Act.

(2) ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—The Secretary may not adjust the status of aliens who have been granted registered provisional immigrant status, except for aliens granted blue card status under section 2211 of this Act or described in section 261(b) of the Immigration and Nationality Act, as added by section 2109 of this Act, until—

(A) not earlier than 9 years and 6 months after the date of the enactment of this Act, and

(B) the Secretary has achieved and maintained full situational awareness of the Southern border for the 12-month period immediately preceding such certification; and

(ii) the Secretary has achieved and maintained operational control of the Southern border for the 12-month period immediately preceding such certification.

(d) The Secretary shall implement the mandatory employment verification system required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101 of this Act, by all employers to prevent unauthorized workers from obtaining employment in the United States.

(e) The Secretary has implemented a biometric entry and exit data system at all airports and seaports at which U.S. Customs officers...
and Border Protection personnel were deployed on the date of the enactment of this Act, and in accordance with the requirements set forth in section 7308 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b); and

(b) Not earlier than 60 days after the submission of a certification under paragraph (A), the Inspector General of the Department of Homeland Security, who has been appointed by the President, by and with the advice and consent of the Senate, in consultation with the Comptroller General of the United States, reviews the reliability of the data, methodologies, and conclusions of a certification under subparagraph (A) and submits to the President and Congress a written certification and report attesting that each of the requirements of clauses (1), (ii), (iii), and (iv) of subparagraph (A) have been achieved.

(d) Protecting Constitutional Separation of Powers Against Abuses of Discretion—

(1) Emergency Comptroller General Report.—Not later than 30 days after the submission of a certification by the Secretary under subsection (c)(2)(A), the Comptroller General of the United States shall review such certification and provide Congress with a written report on the reliability of such certification, and expressing the conclusion of the Comptroller General as to whether or not the requirements of clauses (i), (ii), (iii), and (iv) of subsection (c)(2)(A) have been achieved.

(2) Sense of Congress.—It is the sense of Congress that the United States Senate should use its powers of advice and consent under section 102(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)(1)) and section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App. 3(a)) that the reports and certifications contained in subsection (c) have been fully achieved.

SEC. 4. SOUTHERN BORDER SECURITY COMMISION.

(a) Establishment.—Not later than 60 days after the date of the enactment of this Act, there shall be established a commission to be known as the “Southern Border Security Commission” (in this section referred to as the “Commission”).

(i) In general.—The Commission shall be composed of up to 8 members as follows:

(A) The Governor of the State of Arizona, or the designee of the Governor.

(B) The Governor of the State of California, or the designee of the Governor.

(C) The Governor of the State of New Mexico, or the designee of the Governor.

(D) The Governor of the State of Texas, or the designee of the Governor.

(E) One designee of the Governor of the State of Arizona who is not such official or such official’s designee under subparagraph (A).

(F) One designee of the Governor of the State of California who is not such official or such official’s designee under subparagraph (B).

(G) One designee of the Governor of the State of New Mexico who is not such official or such official’s designee under subparagraph (C).

(H) One designee of the Governor of the State of Texas who is not such official or such official’s designee under subparagraph (D).

(ii) Chair.—At the first meeting of the Commission, the Governor of the State of Arizona shall elect the Chair of the Commission.

(iii) Rules.—The Commission shall establish by majority vote of the members of the Commission present that shall require the approval of a majority of members of the Commission.

(iv) Meetings.—Members of the Commission shall meet at the times and places of their choosing.

(b) Nature of requirements.—The tenure and terms of service of a member of the Commission of any Governor or designee of a Governor under this subsection shall be subject to the sole discretion of such Governor.

(c) Consultation; Federalism Protections.—

(1) Consultation.—The Secretary shall regularly consult with members of the Commission as to the substance and contents of any strategy, plan, or report required by section 3 of this Act.

(2) Federalism protections.—The Secretary may make no rules, regulations, or conditions regarding the operation of the Commission, or the terms of service of members of the Commission.

(d) Transition.—The Secretary shall no longer be required to consult with the Commission under subsection (d)(1) on the date which is the earlier of—

(1) 30 days after the date on which a certification is made by the Secretary and Comptroller General of the United States under section 3(c)(2)(A) of this Act; or

(2) 10 years after the date of the enactment of this Act.

SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.

(a) Comprehensive Southern Border Security Strategy.—

(i) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit a strategy, to be known as the “Comprehensive Southern Border Security Strategy” (in this section referred to as the “Strategy”), for achieving and maintaining operational control and full situational awareness of the Southern border, including—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on the Judiciary of the House;

(E) the Committee on Appropriations of the Senate;

(F) the Committee on Appropriations of the House of Representatives; and

(G) the Comptroller General of the United States.

(ii) Elements.—The Strategy shall include, at a minimum, a consideration of the following:

(A) The state of operational control and situational awareness of the Southern border, including a sector-by-sector analysis.

(B) An assessment of principal Southern border security threats.

(C) Efforts to analyze and disseminate Southern border security and Southern border threat information between Department border security components.

(D) Efforts to increase situational awareness of the Southern border in accordance with privacy, civil liberties, and civil rights protections.

(E) A technology plan for continuous and systematic surveillance of the Southern border, including—

(i) surveillance capabilities developed or utilized by the Department of Defense, including any technology determined to be necessary by the Department of Defense;

(ii) use of manned aircraft and unmanned aerial systems, including the camera and sensor technology deployed on such assets;

(iii) an overarching strategy that identifies where fencing, including double-layer fencing, infrastructure, and technology should be deployed along the Southern border;

(iv) a comprehensive Southern border security technology plan for detection technology capabilities, including a documented justification and rationale for the technologies selected, deployment locations, fixed versus mobile assets, and a timetable for procurement and deployment; and

(v) a set of interim goals and supporting milestones necessary for the Department to achieve and maintain operational control and full situational awareness of the Southern border.

(F) SEMIANNUAL REPORTS.—
A narcotics interdiction rate which measures the amount of narcotics seized against the total estimated amount of narcotics U.S. Border Patrol fails to seize.

SEC. 7. COMPREHENSIVE IMMIGRATION REFORM TRUST FUND.

(a) Comprehensive Immigration Reform Trust Fund.--

(1) Establishment.—There is established in the Treasury a separate account, to be known as the Comprehensive Immigration Reform Trust Fund (hereinafter in this section as the "Trust Fund"), consisting of—

(A) amounts transferred from the general fund of the Treasury under paragraph (2)(A); and

(B) proceeds from the fees described in paragraph (2)(B).

(2) Deposits.--

(A) Initial Funding.—On the later of the date of the enactment of this Act or October 1, 2013, $8,300,000,000 shall be transferred from the general fund of the Treasury to the Trust Fund.

(B) Ongoing Funding.—Notwithstanding section 3302 of title 31, United States Code, in addition to the funding described in subparagraph (A), and subject to paragraphs (3)(B) and (4), the following amounts shall be deposited in the Trust Fund:

(i) Electronic Travel Authorization System Fees.—Fees collected under section 217(b)(3)(B)(i)(II) of the Immigration and Nationality Act, as added by section 1102(e).

(ii) Registered Provisional Immigrant Penalties.—Penalties collected under section 265(c)(10)(C) of the Immigration and Nationality Act, as added by section 2101.

(iii) Blue Card Program Penalties collected under section 2211(b)(9)(C).

(iv) Fines for Adjustment From Blue Card Status.—Fines collected under section 265F(a)(5) of the Immigration and Nationality Act, as added by section 2212(a).

(v) Penalties for False Statements in Applications.—Fines collected under section 265F(f) of the Immigration and Nationality Act, as added by section 2212(a).

(vi) Merit System Green Card Fees.—Fees collected under section 281(d)(6) of the Immigration and Nationality Act, as amended by section 2301(a)(2).

(vii) H-1B and L visas Fees.—Fees collected under section 214(s)(6) of the Immigration and Nationality Act, as added by section 4105.

(viii) H-1B Outplacement Fees.—Fees collected under section 212(n)(1)(F)(11) of the Immigration and Nationality Act, as amended by section 4211(a).

(ix) H-1B Nonimmigrant Dependent Employer Fees.—Fees collected under section 429A(x).

(x) L Nonimmigrant Dependent Employer Fees.—Fees collected under section 4305(a)(2).

(xi) J-1 Visa Mitigation Fees.—Fees collected under section 231(e) of the Immigration and Nationality Act, as added by section 407.

(xii) Nonimmigrant F-1 Visa Fees.—Fees collected under section 231(f) of the Immigration and Nationality Act, as added by section 408.

(xiii) Retired Visa Fees.—Fees collected under section 214(w)(1)(B) of the Immigration and Nationality Act, as added by section 450(h).

(xiv) Visitor Visa Fees.—Fees collected under section 214(x)(6)(A) of the Immigration and Nationality Act, as added by section 4602(a).

(xvi) Nonimmigrants Performing Maintenance on Common Carriers.—Fees collected under section 214(a)(6) of the Immigration and Nationality Act, as added by section 4603.

(xvii) X-1 Visa Fees.—Fees collected under section 214(s)(6) of the Immigration and Nationality Act, as added by section 4801.

(xviii) Suspense Penalties.—Penalties collected from registered provisional immigrant status.—Penalties collected under section...
to be hired, including a detailed description
U.S. Customs and Border Protection officers
provided by the Department of Defense;
plan for expenditure that describes—
Consultation with the Attorney General and
(A). Document investments described in subparagraph
border security and immigration enforce-
Secretary to expand and implement the manda-
ified in paragraph (2)(A) for use by the Sec-
ary of State to pay for one-time and
Secretary to pay for one-time and
U.S.C. 1324a), as amended by section 3101;
shall be used as required by section 274A of
E-Verify system, which
retary to expand and implement the manda-
Secretary of Labor,
Secretary of State for transfer to the Secretary of Labor,
the Attorney General, for initial costs of imple-
be deposited into the Trust Fund, as
progrm Implementation .—Amounts
shall be deposited into the Trust Fund, as
specified in paragraph (2)(A) for use by the Sec-
ary to expand and implement the manda-
tory employment verification system, which
shall be used as required by section 274A of
the Immigration and Nationality Act (8
U.S.C. 1324a), as amended by section 3101;
$900,000,000 shall remain available for the
coverage during the 2-year period beginning on the date specified in paragraph (2)(A) for use by the Sec-
etary to pay for one-time and startup costs necessary to implement this Act; and
(iv) $150,000,000 shall remain available for the
2-year period beginning on the date specified in paragraph (2)(A) for use by the Sec-
etary to pay for one-time and startup costs necessary to implement this Act; and
(B) Repayment of Trust Fund Expen-
ses.—The first $8,300,000,000 collected pursuant to the fees, penalties, and fines referred to in clauses (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), and (xviii) of paragraph (2)(B) shall be deposited, in the general fund of the Treas-
ury, and used for Federal budget deficit re-
duction. Collections in excess of $3,300,000,000 shall be deposited into the Trust Fund, as
specified in paragraph (2)(B).
(C) Program Implementation .—Amounts
deposited into the Trust Fund pursuant to paragraph (2)(B) shall be available during each of fiscal years 2014 through 2018 as follows:
(i) $50,000,000 to carry out the activities referenced in section 1104(a)(1).
(ii) $50,000,000 to carry out the activities referenced in section 1104(b).
(D) Ongoing Funding .—Subject to the availability of appropriations, amounts de-
posited in the Trust Fund pursuant to para-
graph (B) and (C) shall be used to support the Comprehensive Southern Border Strategy, a plan for expenditure that describes—
(i) the types and planned deployment of fixed, and mobile surveillance and detection equipment, including those recommended or provided for by the Department of Defense;
(ii) the numbers, types, and planned deployment of marine and riverine vessels, if any, including marine interdiction agents and support staff to operate and maintain the vessels;
(iii) the locations, amount, and planned deployment of fencing, including double layer fencing, tactical and other infrastructure, and technology, including fencing, towers, sensors, cameras, and other detection technol-
ology;
(iv) the numbers, types, and planned deployment of ground-based mobile surveil-
ance systems;
(v) the numbers, types, and planned deployment of tactical and other interoperable
law enforcement communications systems and equipment;
(vii) required construction, including re-
pairs, expansion, and maintenance, and local-
tization of the "Comprehensive Immigration
Reform Start-up Account," (referred to in this section as the "Start-up Account"),—
in excess of amounts transferred from the gen-
eral fund pursuant to paragraph (3)(B) may be collected and shall be credited as to the
Trust Fund to remain available until expended
that new identity verification system.
(C) Start-Up Account .—(i) EStablishment .—There is established in the Treasury a separate account, to be known as the "Comprehensive
Immigration Reform Start-up Account," (referred to in this section as the "Start-up Account"),—
in excess of amounts transferred from the gen-
eral fund pursuant to paragraph (3)(B) may be collected and shall be credited as to the
Trust Fund to remain available until expended
that new identity verification system.
(C) Start-Up Account .—(i) EStablishment .—There is established in the Treasury a separate account, to be known as the "Comprehensive
Immigration Reform Start-up Account," (referred to in this section as the "Start-up Account"),—
in excess of amounts transferred from the gen-
eral fund pursuant to paragraph (3)(B) may be collected and shall be credited as to the
Trust Fund to remain available until expended
that new identity verification system.
(C) Start-Up Account .—(i) EStablishment .—There is established in the Treasury a separate account, to be known as the "Comprehensive
Immigration Reform Start-up Account," (referred to in this section as the "Start-up Account"),—
in excess of amounts transferred from the gen-
eral fund pursuant to paragraph (3)(B) may be collected and shall be credited as to the
Trust Fund to remain available until expended
that new identity verification system.
startup funds in the Start-up Account that provides details on—
(A) the types of equipment, information technology systems, infrastructure, and human resources;
(B) the plans for outreach to the public, including development and promulgation of any regulations, rules, or other public notice;
(C) the types and amounts of grants to community and faith-based organizations; and
(D) the anti-fraud programs and actions related to implementation of this Act.
(c) ANNUAL AUDITS.—
(1) AUDITS REQUIRED. —Not later than October 1 each year, beginning on or after the date of the enactment of this Act, and each fiscal year thereafter, the Inspector General of the Department, the Inspector General of the National Science Foundation, or the Inspector General for the Department or the National Science Foundation, shall conduct audits of the financial statements of all grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.
(2) DETERMINATION OF BUDGETARY EXPENDITURES.—Each audited financial statement under paragraph (1) shall include the following:
(A) The report of an independent certified public accountant;
(B) A balance sheet reporting admitted assets, liabilities, capital and surplus;
(C) A statement of cash flow;
(D) Such other information on the Trust Fund during the year covered by the financial statement concerning the Trust Fund.
(3) ELEMENTS.—Each audited financial statement under paragraph (1) shall include the following:
(A) The report of an independent certified public accountant;
(B) A balance sheet reporting admitted assets, liabilities, capital and surplus;
(C) A statement of cash flow;
(D) Such other information on the Trust Fund during the year covered by the financial statement concerning the Trust Fund.
(4) DETERMINATION OF BUDGETARY EXPENDITURES.—Each audited financial statement under paragraph (1) shall include the following:
(A) The report of an independent certified public accountant;
(B) A balance sheet reporting admitted assets, liabilities, capital and surplus;
(C) A statement of cash flow;
(D) Such other information on the Trust Fund during the year covered by the financial statement concerning the Trust Fund.

SEC. 8. GRANT ACCOUNTABILITY.
(a) DEFINITIONS. —In this section:
(1) AWARDED ENTITY. —The term “awarded entity” means the Secretary, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Office of Citizenship and Human Resource Services, the Department of Behavioral Health and Developmental Disabilities, the Department of Veterans Affairs, or any other officer or employee of the Department.
(2) NONPROFIT ORGANIZATION. —The term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.
(3) UNRESOLVED AUDIT FINDINGS.—The term “unresolved audit finding” means a finding in a final audit report conducted by the Inspector General of the Department, the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, or the Department of Veterans Affairs, by which the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year from the date when the final audit report is issued.
(b) ACCOUNTABILITY. —All grants awarded by an awarding entity pursuant to this Act shall be subject to the following accountability provisions:
(1) AUDIT REQUIREMENTS.—
(A) AUDITS. —Beginning in the first fiscal year beginning after the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department, or the Inspector General for the National Science Foundation, shall conduct audits of the financial statements of all grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.
(B) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the first 2 fiscal years beginning after the end of the 1-year period described in subsection (a)(3).
(C) PRIORITIES.—In awarding grants under this Act, the awarding entity shall give priority to eligible applicants that do not have an unresolved audit finding during the fiscal year the awarding entity submitted the application for such grant.
(D) REIMBURSEMENT.—If an awarding entity that awarded grant funds under this Act during the period of fiscal years in which the entity barred from receiving grants under subparagraph (B) has been completed and reviewed by the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;
(i) all mandatory exclusions required under paragraph (1)(B) have been issued; and
(ii) all reimbursements required under paragraph (1)(D) have been made; and
(B) including a list of any grant recipients excluded under paragraph (1) from the pre
(c) ANNUAL AUDITS.—
(1) AUDITS REQUIRED. —Not later than October 1 each year, beginning on or after the date of the enactment of this Act, the Inspector General of the Department, the Inspector General of the National Science Foundation, or the Inspector General for the Department or the National Science Foundation, shall conduct audits of the financial statements of all grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.
(2) DETERMINATION OF BUDGETARY EXPENDITURES.—Each audited financial statement under paragraph (1) shall include the following:
(A) The report of an independent certified public accountant;
(B) A balance sheet reporting admitted assets, liabilities, capital and surplus;
(C) A statement of cash flow;
(D) Such other information on the Trust Fund during the year covered by the financial statement concerning the Trust Fund.
(3) ELEMENTS.—Each audited financial statement under paragraph (1) shall include the following:
(A) The report of an independent certified public accountant;
(B) A balance sheet reporting admitted assets, liabilities, capital and surplus;
(C) A statement of cash flow;
(D) Such other information on the Trust Fund during the year covered by the financial statement concerning the Trust Fund.
(4) DETERMINATION OF BUDGETARY EXPENDITURES.—Each audited financial statement under paragraph (1) shall include the following:
(A) The report of an independent certified public accountant;
(B) A balance sheet reporting admitted assets, liabilities, capital and surplus;
(C) A statement of cash flow;
(D) Such other information on the Trust Fund during the year covered by the financial statement concerning the Trust Fund.

SEC. 1102. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.
(a) IN GENERAL.—Not later than September 30, 2017, the Secretary shall increase the number of trained full-time active duty U.S. Border Patrol agents deployed to the Southern border by 5,000, compared to the number of such officers as of the date of the enactment of this Act. The Secretary shall make the increase in accordance with the number of trained full-time active duty U.S. Border Patrol agents deployed to the Southern border as of the date of the enactment of this Act.
(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to preclude the Secretary from reassigning or stationing U.S. Customs and Border Protection officers and U.S. Border Patrol agents from the Northern border to the Southern border.
(c) FUNDING.—Section 217(h)(3)(B) (8 U.S.C. 1187(h)(3)(B)) is amended—
(1) by striking “No later than 6 months after the date of enactment of the Travel
Promotion Act of 2009, the’’ and inserting ‘‘The’’; (B) in subsection (1), by striking ‘‘and’’ at the end; (C) by redesignating subclause (II) as subclause (III); and (D) by inserting after subclause (I) the following: ‘‘(III) for border processing; and’’; (2) in clause (ii), by striking ‘‘Amounts collected under clause (i)(II)’’ and inserting ‘‘Amounts collected under clause (i)(II) shall be deposited into the Comprehensive Immigration Reform Trust Fund established by section 7(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act. Amounts collected under clause (i)(II)’’; and (3) by striking clause (iii).

SEC. 1103. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.

(a) In General.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, in the Southwest border region for the purposes of assisting U.S. Customs and Border Protection in securing the Southern border. (b) Assignment of Operations and Missions.— (1) In General.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the Southern border.

(c) Range of Operations and Missions.—The operations and missions assigned under subsection (b) shall include the temporary authority— (1) to construct fencing, including double-layer and triple-layer fencing; (2) to increase ground-based mobile surveillance systems; (3) to deploy additional unmanned aerial systems and manned aircraft sufficient to maintain continuous surveillance of the Southern border; (4) to deploy and provide capability for radio communications interoperability between the National Guard and Border Protection and State, local, and tribal law enforcement agencies; (5) to construct checkpoints along the Southwest border to help close the gap to long-term permanent checkpoints; and (6) to provide assistance to U.S. Customs and Border Protection, particularly in rural, high-trafficked areas, as designated by the Commissioner of U.S. Customs and Border Protection.

SEC. 1104. ENDURING EXPENSES OF EXISTING BORDER SECURITY OPERATIONS.

(a) Border Crossing Prosecutions.— (1) In General.—From the amounts available pursuant to the authorization of appropriations in paragraph (3), funds shall be available— (A) to increase the number of border crossing prosecutions in each and every sector of the Southwest border region by at least 50 percent per day, as calculated by the President, from the date of the enactment of this Act, through increasing the funding available for— (i) attorneys and administrative support staff in offices of United States attorneys; (ii) support staff and interpreters in Court Clerks’ Offices; (iii) pre-trial services; (iv) activities of the Federal Public Defenders Office; and (v) additional personnel, including Deputy U.S. Marshals, U.S. Customs and Border Protection, and state and local law enforcement agencies for any detention costs related to the border crossing prosecutions carried out pursuant to subparagraph (A); (B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the border crossing prosecutions carried out pursuant to subsection; (C) to reimburse Tribal Nations and States for any costs associated with providing security and assistance to Federal, State, local, and tribal law enforcement agencies necessary to carry out this subsection.

(b) Range of Operations and Missions.— (1) In General.—The Secretary of Defense shall deploy such material and equipment and logistical support as may be necessary to ensure the mission objectives set forth in the Secretary of Defense strategy for the National Guard, except that such operations shall be conducted in cooperation with and in support of U.S. Customs and Border Protection.

(c) Size and Duration.— (1) In General.—The Secretary shall deploy as many available personnel and equipment as necessary to support the objectives of subsection (a)

(d) Authorization of Appropriations.— appropriations in this Act is subject to the availability of appropriations for such purposes as may be necessary to carry out this subsection.

(e) Mobile command centers.

(f) Field offices.

(g) All-weather roads.

(h) Lighting.

(i) Real property.

(j) Land border port of entry improvements.

(k) Other necessary facilities, structures, and equipment.

(2) Required Uses of Funds.—The Secretary, consistent with the Secretary of Homeland Security Strategy, shall carry out the following: (A) To support additional Border Patrol stations and to design or construct additional Border Patrol stations.

(B) To provide additional facilities, including temporary or permanent facilities, to U.S. Customs and Border Protection to increase border surveillance in high-trafficked areas.

(C) To improve border surveillance by deploying Border Patrol agents and border patrol vehicles to high-trafficked areas.

(D) To construct additional U.S. Border Patrol stations in the Southwest border region.

(E) To construct additional U.S. Border Patrol stations in the Southwest border region.

(F) To construct additional U.S. Border Patrol stations in the Southwest border region.

(G) To construct additional U.S. Border Patrol stations in the Southwest border region.

(H) To construct additional U.S. Border Patrol stations in the Southwest border region.

(I) To construct additional U.S. Border Patrol stations in the Southwest border region.

(J) To construct additional U.S. Border Patrol stations in the Southwest border region.

(K) To construct additional U.S. Border Patrol stations in the Southwest border region.

(L) To construct additional U.S. Border Patrol stations in the Southwest border region.

(M) To construct additional U.S. Border Patrol stations in the Southwest border region.

(N) To construct additional U.S. Border Patrol stations in the Southwest border region.

(O) To construct additional U.S. Border Patrol stations in the Southwest border region.

(P) To construct additional U.S. Border Patrol stations in the Southwest border region.

(Q) To construct additional U.S. Border Patrol stations in the Southwest border region.

(R) To construct additional U.S. Border Patrol stations in the Southwest border region.

(S) To construct additional U.S. Border Patrol stations in the Southwest border region.

(T) To construct additional U.S. Border Patrol stations in the Southwest border region.

(U) To construct additional U.S. Border Patrol stations in the Southwest border region.

(V) To construct additional U.S. Border Patrol stations in the Southwest border region.

(W) To construct additional U.S. Border Patrol stations in the Southwest border region.

(X) To construct additional U.S. Border Patrol stations in the Southwest border region.

(Y) To construct additional U.S. Border Patrol stations in the Southwest border region.

(Z) To construct additional U.S. Border Patrol stations in the Southwest border region.

(A) To support additional Border Patrol stations and to design or construct additional Border Patrol stations.

(B) To provide additional facilities, including temporary or permanent facilities, to U.S. Customs and Border Protection to increase border surveillance in high-trafficked areas.

(C) To improve border surveillance by deploying Border Patrol agents and border patrol vehicles to high-trafficked areas.

(D) To construct additional U.S. Border Patrol stations in the Southwest border region.

(E) To construct additional U.S. Border Patrol stations in the Southwest border region.

(F) To construct additional U.S. Border Patrol stations in the Southwest border region.

(G) To construct additional U.S. Border Patrol stations in the Southwest border region.

(H) To construct additional U.S. Border Patrol stations in the Southwest border region.

(I) To construct additional U.S. Border Patrol stations in the Southwest border region.

(J) To construct additional U.S. Border Patrol stations in the Southwest border region.

(K) To construct additional U.S. Border Patrol stations in the Southwest border region.

(L) To construct additional U.S. Border Patrol stations in the Southwest border region.

(M) To construct additional U.S. Border Patrol stations in the Southwest border region.

(N) To construct additional U.S. Border Patrol stations in the Southwest border region.

(O) To construct additional U.S. Border Patrol stations in the Southwest border region.

(P) To construct additional U.S. Border Patrol stations in the Southwest border region.

(Q) To construct additional U.S. Border Patrol stations in the Southwest border region.

(R) To construct additional U.S. Border Patrol stations in the Southwest border region.

(S) To construct additional U.S. Border Patrol stations in the Southwest border region.

(T) To construct additional U.S. Border Patrol stations in the Southwest border region.

(U) To construct additional U.S. Border Patrol stations in the Southwest border region.

(V) To construct additional U.S. Border Patrol stations in the Southwest border region.

(W) To construct additional U.S. Border Patrol stations in the Southwest border region.

(X) To construct additional U.S. Border Patrol stations in the Southwest border region.

(Y) To construct additional U.S. Border Patrol stations in the Southwest border region.

(Z) To construct additional U.S. Border Patrol stations in the Southwest border region.
(3) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended—

(A) by striking the item relating to the district of Arizona and inserting the following:

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>15</td>
</tr>
</tbody>
</table>

(B) by striking the items relating to California and inserting the following:

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>14</td>
</tr>
<tr>
<td>Northern</td>
<td>9</td>
</tr>
<tr>
<td>Central</td>
<td>28</td>
</tr>
<tr>
<td>Southern</td>
<td>13</td>
</tr>
<tr>
<td>Western</td>
<td>15</td>
</tr>
</tbody>
</table>

and

(C) by striking the items relating to Texas and inserting the following:

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>12</td>
</tr>
<tr>
<td>Southern</td>
<td>20</td>
</tr>
<tr>
<td>Eastern</td>
<td>7</td>
</tr>
<tr>
<td>Western</td>
<td>15</td>
</tr>
</tbody>
</table>

(4) INCREASE IN FILING FEES.—

(A) IN GENERAL.—Section 1914(a) of title 28, United States Code, is amended by striking "$350" and inserting "$360".

(B) EXPENDITURE LIMITATION.—Incremental amounts, subject to the limit set forth in this Act, shall be deposited as offsetting receipts in the special fund of the Treasury established under section 1912 of title 28, United States Code. Such amounts shall be available solely for the purpose of facilitating the processing of civil cases, but only to the extent specifically appropriated by an Act of Congress enacted after the date of the enactment of this Act.

(5) WHISTLEBLOWER PROTECTION.—

(A) IN GENERAL.—No officer, employee, agent, contractor, subcontractor, or subcontractor of the judicial branch may discharge, demote, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist in the investigation of the possible violation or misconduct.

(B) CIVIL ACTION.—An employee injured by a violation of subparagraph (A) may, in a civil action, bring an appropriate action.

SEC. 1105. BORDER SECURITY ON CERTAIN FEDERAL LANDS.

(a) Definitions.—In this section:

(1) FEDERAL LANDS.—The term “Federal lands” includes all land under the control of the Secretary concerned that is located within the Southwest border region in the State of Arizona along the Southern border.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—To achieve effective control of Federal lands—

(A) the Secretary concerned, notwithstanding any other provision of law, shall authorize and provide U.S. Customs and Border Protection personnel with immediate access to Federal lands for security activities, including—

(1) routine motorized patrols; and

(2) the deployment of communications, surveillance, and detection equipment;

(B) the security activities described in paragraph (1) shall be conducted, to the maximum extent practicable, in a manner that the Secretary determines will best protect the natural and cultural resources on Federal lands; and

(C) the Secretary concerned may provide education and training to U.S. Customs and Border Protection personnel on the natural and cultural resources present on individual Federal land units.

(c) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

(1) IN GENERAL.—After implementing subsection (b), the Secretary, in consultation with the Secretaries concerned, shall prepare and publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the impacts of the activities described in subsection (b).

(2) EFFECT ON PROCESSING APPLICATION AND SPECIAL USE PERMITS.—The pending completion of a programmatic environmental impact statement under this section shall not result in any delay in the processing or approving of applications or special use permits by the Secretaries concerned for the activities described in paragraph (1).

(d) AMENDMENT OF LAND USE PLANS.—The Secretaries concerned shall amend any land use plans, as appropriate, upon completion of the programmatic environmental impact statement described in paragraph (1).

(e) SCOPE OF PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—The programmatic environmental impact statement described in paragraph (1) shall cover—

(A) routine motorized patrols; and

(B) all other activities by the Secretary to achieve effective control over Federal lands.

(f) INTERMINGLED STATE AND PRIVATE LANDS.—This section shall not apply to any private or State-owned land within the boundaries of Federal lands.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended by striking "$350" and inserting "$360".

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated for each of fiscal years 2014 through 2018 for U.S. Customs and Border Protection such sums as may be necessary to carry out this section.

SEC. 1107. ACCESS TO EMERGENCY PERSONNEL.

(a) SOUTHWEST BORDER REGION EMERGENCY COMMUNICATIONS GRANTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governors of the States in the Southwest border region, shall establish a 2-year grant program, to be administered by the Secretary, to improve emergency communications in the Southwest border region.

(b) ELIGIBILITY FOR GRANTS.—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works in the Southwest border region; and

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to the Southern border.

(c) USE OF GRANTS.—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 9–1–1 service; and

(B) are equipped with global positioning systems.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the grant program established under this subsection.

SEC. 1108. EQUIPMENT AND TECHNOLOGY.

(a) Enhancements.—The Secretary, in consultation with the Commissioner of U.S. Customs and Border Protection and consistent with the Southern Border Security Strategy required by section 104 of this Act, shall upgrade existing technological assets and equipment, and procure and deploy additional technological assets and equipment, including the following:

(1) Unarmed, unmanned aerial vehicles.

(2) Fixed-wing aircraft.

(3) Helicopters.

(4) Remote video surveillance camera systems.

(5) Mobile surveillance systems.

(6) Agent portable surveillance systems.

(7) Radar technology.

(8) Satellite technology.

(9) Fiber optics.

(10) Integrated fixed towers.

(11) Relay towers.

(12) Poles.

(13) Night vision equipment.

(14) Sensors, including imaging sensors and unattended ground sensors.

(15) Biometric entry-exit systems.

(16) Contraband detection equipment.

(17) Digital imaging equipment.

(18) Document fraud detection equipment.

(19) Land vehicles.

(20) Officer and personnel safety equipment.

(21) Other technologies and equipment.
(A) to purchase, through a competitive procurement process, P25-compliant radios, which may include a multi-band option, for Federal law enforcement agents working in the region in the course of performing their duties.

(b) To upgrade, through a competitive procurement process, the communications network of the Department of Justice to ensure coverage in the region, particularly where immediate access is needed in times of crisis.

(2) THEREAPORTANT TO FEDERAL SPECTRUM.—If a Federal agency has access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

SEC. 1108. SOUTHWEST BORDER REGION PROSECUTIONAL FORFEITURE AUTHORITY.

(a) REIMBURSEMENT TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—(1) The Attorney General shall reimburse State, county, tribal, and municipal governments for costs associated with detecting and prosecuting drug trafficking, smuggling, and other illegal activity or violence that occurs at or near the Southern border.

(b) LIMITATION.—In the event that Federal law enforcement agencies are providing additional manpower to the Federal law enforcement agencies responsible for the region in accordance with paragraph (a), the Attorney General shall compensate the State or political subdivision not later than 120 days after the last day on which such manpower is provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year after June 12, 2013 such sums as may be necessary to carry out this section.

SEC. 1109. SOUTHERN BORDER SECURITY ASSISTANCE GRANTS.

(a) AUTHORITY.—(1) The Secretary, in consultation with the Attorney General, shall award Southern Border Security Assistance grants to law enforcement agencies located in the Southwest border region for the purposes described in subsection (b).

(2) Each application submitted under this section shall be reviewed by the Attorney General and the Secretary and shall be transmitted with the application to the Department of Justice.

(b) PURPOSES.—Each grant awarded under subsection (a) shall be used to address drug trafficking, smuggling, and border violence.

SEC. 1111. SOUTHERN BORDER SECURITY ASSISTANCE GRANTS.

(a) AUTHORITY.—(1) The Secretary, in consultation with the Attorney General, shall award Southern Border Security Assistance grants to law enforcement agencies located in the Southwest border region for the purposes described in subsection (b).

(2) Each application submitted under this section shall be reviewed by the Attorney General and the Secretary and shall be transmitted with the application to the Department of Justice.

(b) PURPOSES.—Each grant awarded under subsection (a) shall be used to address drug trafficking, smuggling, and border violence.

SEC. 1112. USE OF FORCE.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue policies governing the use of force by all Department personnel that—

(1) require all Department personnel to report each use of force; and

(2) establish procedures for—

(A) accepting and investigating complaints regarding the use of force by Department personnel,

(B) disciplining Department personnel who violate any law or Department policy relating to the use of force; and

(C) reviewing all uses of force by Department personnel to determine whether the use of force—

(i) complied with Department policy; or

(ii) demonstrates the need for changes in policy, training, or equipment.

SEC. 1113. TRAINING FOR BORDER SECURITY AND IMMIGRATION ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall ensure that U.S. Customs and Border Protection officers, U.S. Border Patrol agents, U.S. Immigration and Customs Enforcement officers and agents, United States Air and Marine Division agents, agriculture specialists,
and, in consultation with the Secretary of Defense, National Guard personnel deployed to assist U.S. Customs and Border Protection under section 1033(c)(6) of this Act, stationed during a period of 90 days after the date on which the Northern border protect the due process, civil, and human rights of border residents, visitors, and migrants at and near such borders; and

(ii) the life of the DHS Task Force.

(2) recommendations regarding border and immigration enforcement policies, strategies, and programs, including—

(A) a recommendation as to whether the DHS Task Force should continue to operate; and

(B) a description of any duties the DHS Task Force should be responsible for after the termination date described in subsection (e).

(d) SUNSET.—The DHS Task Force shall terminate operations 60 days after the date on which the DHS Task Force submits the report described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for years 2014 through 2017 such sums as may be necessary to carry out this section.

SEC. 1115. OMBUDSMAN FOR IMMIGRATION RELATED CONCERNS.

(a) ESTABLISHMENT.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following new section:

"SEC. 104. OMBUDSMAN FOR IMMIGRATION RELATED CONCERNS."

"(a) IN GENERAL.—There shall be within the Department an Ombudsman for Immigration Related Concerns (in this section referred to as the 'Ombudsman'). The individual appointed as Ombudsman shall have a background in immigration law as well as civil and human rights law. The Ombudsman shall report directly to the Deputy Secretary.

"(b) FUNCTIONS.—The functions of the Ombudsman shall be as follows:

"(1) To receive and resolve complaints from individuals and employers and assist in resolving problems with the immigration components of the Department.

"(2) To conduct inspections of the facilities or contract facilities of the immigration components of the Department.

"(3) To the extent practicable, to propose changes in the administrative practices of the immigration components of the Department to mitigate problems identified under paragraph (4).

"(4) To review, examine, and make recommendations regarding the immigration and enforcement policies, strategies, and programs of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services.

"(5) OTHER RESPONSIBILITIES.—In addition to the functions specified in subsection (b), the Ombudsman shall—

"(I) monitor the coverage and geographic allocation of local offices of the Ombudsman, including appointing a local ombudsman for immigration related concerns; and

"(II) evaluate and take personnel actions (including dismissal) with respect to any employee of the Ombudsman.

"(6) REQUEST FOR INVESTIGATIONS.—The Ombudsman shall have the authority to request the Inspector General of the Department of Homeland Security to conduct independent investigations.

"(c) COORDINATION WITH DEPARTMENT COMPONENTS.—The Director of U.S. Citizenship and Immigration Services shall—

"(1) review the policies, strategies, and programs of Immigration and Customs Enforcement, the Office of Field Operations, and the Office to Monitor and Combat Trafficking in Persons in light of the Ombudsman functions described in subsection (b);

"(2) to the extent practicable, require field offices to provide information to the Ombudsman described in subsection (b)."

SEC. 1114. DEPARTMENT OF HOMELAND SECURITY—VULNERABLE POPULATIONS ASSISTANCE.

(a) ESTABLISHMENT.—The DHS Task Force shall be composed of 29 members, appointed by the President, who have expertise in immigration, local crime indices, civil and human rights, community relations, cross-border trade and commerce, quality of life indicators, or other pertinent experience of whom—

"(i) 2 local government elected officials;"
and Immigration Services, the Assistant Secretary of Immigration and Customs Enforcement, and the Commissioner of Customs and Border Protection shall each establish procedures for responding to recommendations submitted to such official by the Ombudsman.

(1) ANNUAL REPORTS.—Not later than June 30 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives for the fiscal year ending in such calendar year. Each report shall contain full and substantive analysis, in addition to statistical information, set forth any recommendations the Ombudsman has made on improving the services and responsiveness of U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection and any responses received from the Department regarding such recommendations.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 452 of the Homeland Security Act of 2002 (6 U.S.C. 272) is repealed.

(c) CERIAL AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 is amended—

(1) by inserting after the item relating to section 103 the following new item:

"Sec. 104. Ombudsman for immigration-related concerns.;" and

(2) by striking the item relating to section 452.

SEC. 1116. PROTECTION OF FAMILY VALUES IN APPREHENSION PROGRAMS.

(a) Definitions.—In this section:

(1) APPREHENDED INDIVIDUAL.—The term ‘‘apprehended individual’’ means an individual apprehended by personnel of the Department of Homeland Security or of a cooperating entity pursuant to a migration deterrence program carried out at a border.

(2) BORDER.—The term ‘‘border’’ means an international border of the United States.

(3) CHILD.—Except as otherwise specifically provided, the term ‘‘child’’ has the meaning provided, the term ‘‘child’’ has the meaning provided in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(4) Cooperating entity.—The term ‘‘cooperating entity’’ means a State or local entity acting pursuant to an agreement with the Secretary.

(5) MIGRATION DETERRENCE PROGRAM.—The term ‘‘migration deterrence program’’ means an action related to the repatriation or referral for prosecution of 1 or more apprehended individuals for a suspected or confirmed violation of the Immigration and Nationality Act (8 U.S.C. 101 et seq.) by the Secretary or a cooperating entity.

(b) PROCEDURES FOR MIGRATION DETERRENCE PROGRAMS AT THE BORDER.—In any migration deterrence program carried out at a border, the Secretary and cooperating entities shall—

(1) as soon as practicable after such individual is apprehended—

(A) inquire as to whether the apprehended individual is—

(i) a parent, legal guardian, or primary caregiver of a child; or

(ii) traveling with a spouse or child; and

(B) ascertain whether repatriation of the apprehended individual presents any humanitarian concern or concern related to such individual’s physical safety; and

(2) by decision related to the repatriation or referral for prosecution of the apprehended individual, due consideration is given—

(A) the best interest of such individual’s child, if any; and

(B) to family unity whenever possible; and

(C) to other public interest factors, including humanitarian concerns and concerns related to the apprehended individual’s physical safety.

(c) MANDATORY TRAINING.—The Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Secretary of Labor, and independent immigration, child welfare, family law, and human rights law experts, shall—

(1) develop and provide specialized training for all personnel of U.S. Customs and Border Protection and cooperating entities who come into contact with apprehended individuals in all legal authorities, policies, and procedures relevant to the furtherance of a child’s best interest, family unity, and other public interest factors, including those described in this Act; and

(2) require border enforcement personnel to undertake periodic and continuing training on best practices and changes in relevant authorities, policies, and procedures pertaining to the preservation of a child’s best interest, family unity, and other public interest factors, including those described in this Act.

(d) ANNUAL REPORT ON THE IMPACT OF MIGRATION DETERRENCE PROGRAMS AT THE BORDER.—

(1) REQUIREMENT FOR ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the impact of migration deterrence programs on humanitarian concerns, legal guardian, primary caregivers of a child, individuals traveling with a spouse or child, and individuals who present humanitarian considerations or concerns related to the individual’s physical safety.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include for the previous 1-year period of—

(A) the number of apprehended individuals removed, repatriated, or referred for prosecution who are the parent, legal guardian, or primary caregiver of a child who is a citizen of the United States;

(B) the number of occasions in which both parents, or the primary caretaker of such a child was removed, repatriated, or referred for prosecution as part of a migration deterrence program;

(C) the number of apprehended individuals traveling with those family members who are removed, repatriated, or referred for prosecution; and

(D) the impact of migration deterrence programs on public interest factors, including humanitarian concerns and physical safety.

(e) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this section.

SEC. 1117. EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING.

(a) STAFFING REQUIREMENTS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection, the Secretary shall, subject to the availability of appropriations for such purpose, hire, train, and assign to duty, by not later than September 30, 2018—

(1) 5,000 full-time officers of U.S. Customs and Border Protection to serve—

(A) on all inspection lanes (primary, secondary, and other) at border crossing ports of entry; (B) to enforce the biometric entry-exit system in accordance with the requirements set forth in section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1355b); and

(2) 350 full-time support staff distributed among all United States ports of entry.

(f) PORT OF ENTRY INFRASTRUCTURE IMPROVEMENTS.—In carrying out the enforcement of Federal customs, immigration, and agriculture laws, the Commissioner of U.S. Customs and Border Protection may—

(1) establish, design, construct, and modify United States ports of entry, living quarters for officers, agents, and personnel, and other structures and facilities, including those owned by municipalities, local governments, or private entities located at land ports of entry; and

(2) acquire, by purchase, donation, exchange, or otherwise, land or any interest in land determined to be necessary by the Commissioner’s duties under this section; and
(g) Consultation.—The Secretary shall consult with the Secretaries of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Transportation, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the Fish and Wildlife Service, the Administrator of the National Park Service, the Administrator of the Federal Aviation Administration, the Secretary of Labor, the Secretary of Health and Human Services, the Administrator of the Small Business Administration, Indian tribes, State and local governments, and any organization or individual that represents the interest of the public, including commercial interests, for the purpose of determining and identifying—

(A) to determine locations for new ports of entry; and

(B) to minimize adverse impacts from such ports on the environment, historic and cultural resources, commerce, and quality of life for the communities and residents located near such ports.

(2) Safeguards.—Nothing in this subsection may be construed—

(A) to create any right or liability of the parties described in paragraph (1); or

(B) to affect the validity or validity of any determination under this Act by the Secretary; or

(C) to any consultation requirement under any other law.

(h) Authority To Acquire Leaseholds.—Notwithstanding any other provision of law, the Secretary may acquire a leasehold interest in real property, and may construct or modify any facility on the leased property, if the Secretary determines that the acquisition of such property is necessary to facilitate the construction, alteration, or maintenance of new or existing infrastructure at a land border port of entry.

(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, for each of the fiscal years 2014 through 2023, $1,000,000,000, of which $5,000,000 shall be used for grants authorized under subsection (e).

(j) Offset; Rescission of Unobligated Federal Funds.—(1) Administration.—The Secretary, in consultation with the Administrator of the General Services Administration, shall establish procedures for evaluating a proposal submitted by any person under subsection (b) to enter into a cost-sharing or reimbursement agreement with the Administrator to facilitate the construction, alteration, or maintenance of a new or existing facility or other infrastructure at a land border port of entry if the proposal does not use the property or services donated pursuant to paragraph (1)(B) for the specific facility or facilities designated pursuant to paragraph (2)(A) or within the time frame specified pursuant to paragraph (2)(B), such donated property or services shall be returned to the person that made the donation.

(2) Specification.—Donations made under paragraph (1)(B) may specify—

(A) the land port of entry facility or facilities in support of which the donation is being made; and

(B) the amount of the time frame in which the donated property or services shall be used.

(3) Requirement of Notice.—If the Administrator does not use the property or services donated pursuant to paragraph (1)(B) for the specific facility or facilities designated pursuant to paragraph (2)(A) or within the time frame specified pursuant to paragraph (2)(B), such donated property or services shall be returned to the person that made the donation.

(4) Determination and Notification.—(A) In General.—Not later than 90 days after receiving a proposal pursuant to subsection (b) with respect to the construction, alteration, or maintenance of new or existing infrastructure at a land border port of entry, the Administrator shall—

(i) make a determination with respect to whether the proposal is approved; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such disapproval.

(B) Considerations.—In determining whether to approve a proposal under this subsection, the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(C) Delegation.—For facilities where the Administrator has transferred to the Secretary, operations, ownership, or other authorities over land border ports of entry, the Administrator may delegate the functions of the Administrator under this section to the Secretary.

SEC. 1119. HUMAN TRAFFICKING REPORTING.

(a) Authorization of Appropriations.—(1) In General.—An appropriation may be cited as the ‘‘Human Trafficking Reporting Act of 2013’’.
ports of entry along the Southern border or the Northern border, nor conduct any study relating to the imposition of such a fee.

SEC. 1121. DELEGATION.
The Secretary may delegate any authority provided to the Secretary under this Act or an amendment made by this Act to the Secretary of Agriculture, the Attorney General, the Secretary of Health and Human Services, the Secretary of State, or the Commissioner of Social Security.

SEC. 1122. SEVERABILITY.
If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstances to be found inconsistent, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

SEC. 1123. RULE OF CONSTRUCTION.
Nothing in this Act may be construed to authorize the deployment, procurement, or construction of fencing along the Northern border.

On page 1008, strike line 18 and all that follows through page 1009, line 22, and insert the following:

‘‘(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished by an alien who files under section 245B, 245C, 245D, or 245F or section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act, and any other information derived from such furnished information to—

(A) a law enforcement agency, intelligence agency, national security agency, a component of the Department of Homeland Security, court, or grand jury, in each instance about an individual suspect or group of suspects, consistent with law, in connection with—

(i) a criminal investigation or prosecution;

(ii) a national security investigation or prosecution; or

(iii) a duly authorized investigation of a civil violation; and

(B) an official coroner for purposes of affirming or determining a deceased individual, whether or not the death of such individual resulted from a crime.

(3) INAPPLICABILITY AFTER DENIAL.—The limitations set forth in paragraph (1)—

(A) shall apply only until—

(i) an application filed under section 245B, 245C, 245D, or 245F or section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act is denied; and

(ii) all opportunities for administrative appeal of the denial have been exhausted; and

(B) shall not apply to the use of the information furnished pursuant to such application, or in any proceeding, relating to other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(4) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has, at any time, been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(5) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may—

(A) audit and evaluate information furnished as part of any application filed under section 245B, 245C, 245D, or 245F for purposes of identifying immigration fraud or fraud schemes; and

(B) use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting, referring for prosecution, or denying or terminating immigration benefits.

(6) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 245C, 245D, or 245F, the Secretary, at any time thereafter, may use the information furnished by the alien in a prior application for adjustment of status or in an application for status under section 245B, 245C, 245D, or 245F to make a determination on any petition or application.

(7) CONSTRUCTION.—Nothing in this section may be construed to limit the use or release, for immigration enforcement purposes, of information contained in files or records of the Secretary or the Attorney General pertaining to applications filed under section 245B, 245C, 245D, or 245F other than information furnished by an applicant in the application, or any other information derived from the application, that is not available from public sources.

Beginning on page 945, strike line 21 and all that follows through page 946, line 12 and insert the following:

‘‘(III) an offense, unless the applicant demonstrates, by clear and convincing evidence, that he or she is innocent of the offense, or that no offense has occurred which is classified as a misdemeanor in the convicting jurisdiction which involved—

(aa) domestic violence (as defined in section 1227(a)(1)(B) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

(bb) child abuse and neglect (as defined in section 1227(a)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

(cc) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

(dd) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

(ee) driving while intoxicated (as defined in section 164 of title 23, United States Code);

(ff) 3 or more misdemeanor offenses (other than minor traffic offenses or State or local offenses for which an essential element was the alien’s immigration status, or a violation of this Act);

(gg) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) (excluding the paragraphs set forth in clause (ii) or removable under section 237(a), except as provided in paragraph (3) of section 237(a); or

on page 948, beginning on line 14, strike subparagraph (A)(i)(III) or.

On page 955, strike lines 1 through 5 and insert the following:

‘‘(C) INTERVIEW.—In order to determine whether an applicant meets the eligibility requirements set forth in subsection (b), the Secretary—

(i) shall interview each such applicant who—

(I) has been convicted of any criminal offense;

(II) has previously been deported; or

(III) without just cause, has failed to respond to a notice to appear as required under section 239;

(ii) may, in the Secretary’s sole discretion, interview any other applicant for registered provisional immigrant status under this section.

Beginning on page 956 strike line 7 and all that follows through page 961, line 13.
‘(iii) in the case of a violation of subpart graph (A)(i), (ii), (iii), (iv), or (v) that is the third or subsequent offense committed by such person under this section, shall be fined under title 18, imprisoned not less than 5 years nor more than 25 years, or both;

‘(iv) in the case of a violation of subpart graph (A)(i), (ii), (iii), (iv), or (v) that negligently or recklessly, or intentionally results in a victim being involuntarily forced into labor or prostitution, shall be fined under title 18, imprisoned not less than 10 years nor more than 26 years, or both;

‘(v) in the case of a violation of subpart graph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which any person is subjected to an invasive act (as defined in section 2246(2) of title 18), be fined under title 18, imprisoned for not less than 5 years, nor more than 25 years, or both;’; and

(C) in clause (vi), as redesignated, by striking inserting ‘‘and not less than 10’’ before ‘‘years’’; and

(2) by amending subsection (b)(1) to read as follows:

‘‘(1) in general—Any property, real or personal, involved in or used to facilitate the commission of a violation or attempted violation of subsection (a) of this section, the gross proceeds of such violation or attempted violation, and any property traceable to such property or proceeds, shall be seized and forfeited to the Government.’’

SEC. 3714. RESPECT FOR VICTIMS OF HUMAN SMUGGLING.

(a) victim remains.—The Attorney General shall appoint an official to ensure that information regarding missing aliens and unidentified remains found in the covered area are included in a database of the National Missing and Unidentified Persons System.

(b) reimbursement.—The Secretary shall reimburse county, municipal, and tribal governments in the United States that are located in an area for costs associated with the transportation and processing of unidentified remains, found in the desert or on ranch lands, on the condition that the remains are transferred either to an official medical examiner’s office, or a local university with the capacity to analyze human remains using forensic best practices.

(c) covered area data.—The National Institute of Justice shall encourage genetic laboratories receiving Federal grant monies to process samples from unidentified remains and compare the resulting genetic profiles against samples from the relatives of any missing individual, including those provided by foreign governments, to identify, locate, and produce a file that shall be maintained for 30 years.

(d) covered area defined.—In this section, the term ‘‘covered area’’ means the area of the United States within 250 miles of the international border between the United States and Mexico.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2014 through 2018 to carry out this section.

SEC. 3715. putting the brakes on human smuggling act.

(a) short title.—This section may be cited as the ‘‘Putting the Brakes on Human Smuggling Act’’.

(b) First violation.—Paragraph (1) of section 31310(b) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the ‘‘or’’ at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and ‘‘and’’;

and

(3) by adding the end the following:

‘‘(P) using a commercial motor vehicle in willfully aiding or abetting an alien’s illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien’s entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section.’’

(c) Second or multiple violations.— Paragraph (1) of section 31310(b) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the ‘‘or’’ at the end;

(2) by redesignating subparagraph (F) as subparagraph (G);

(3) in subparagraph (G), as so redesignated, by striking ‘‘(E)’’ and inserting ‘‘(F)’’; and

(4) by inserting after subparagraph (E) the following:

‘‘(P) using a commercial motor vehicle on more than one occasion in willfully aiding or abetting an alien’s illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with the alien’s entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or’’.

(d) lifetime disqualification.—Subsection (d) of section 31310(c) of title 49, United States Code, is amended to read as follows:

‘‘(d) lifetime disqualification.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle—

‘‘(1) in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possessing with the intent to manufacture, distribute, or dispense a controlled substance; or

‘‘(2) in committing an act for which the individual is convicted under subparagraph (A) of subsection (d) of section 31310(c) of title 49, United States Code, is amended by inserting ‘‘and’’ at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and ‘‘and’’; and

(C) by adding at the end the following new subparagraph:

‘‘(G) whether the operator was disqualified, suspended, or cancelled made pursuant to subparagraph (F), or (d) of such section.’’

(e) reporting requirements.—(1) commercial driver’s license information system.—Paragraph (1) of section 31309(b) of title 49, United States Code, is amended—

(A) in subparagraph (E), by striking ‘‘and’’ at the end;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon and ‘‘and’’; and

(C) by adding at the end the following new subparagraph:

‘‘(G) whether the operator was disqualified, either temporarily or for life, from operating a commercial motor vehicle under section 31310(c), including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.’’

(2) notification by the State.—Paragraph (8) of section 31311(a) of title 49, United States Code, is amended by striking ‘‘(G) whether the operator was disqualified, suspended, or cancelled made pursuant to subparagraph (F);’’; and

(3) in subparagraph (G), as so redesignated, by striking ‘‘(E)’’ and inserting ‘‘(F)’’;

(4) in paragraph (1), by striking the following:

‘‘15 years in prison.

(2) in committing an act for which the operator was disqualified, suspended, or cancelled made pursuant to subparagraph (F);’’;

and

(5)(A) If a person is arrested or charged in section 31311(a) of title 49, United States Code, is amended by striking ‘‘(E)’’ and inserting ‘‘(F)’’;

SEC. 3717. ILLEGAL BORDER CROSSING FOR THE PURPOSE OF TERRORISM.

Section 275(a) (8 U.S.C. 1325(a)) is amended to read as follows:

‘‘(a) improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts.—

‘‘(1) in general.—Except as provided under paragraph (2), any alien who—

‘‘(A) enters or attempts to enter the United States at any time or place other than as designated by immigration officers; or

‘‘(B) eludes examination or inspection by immigration officers; or

‘‘(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18, United States Code, imprisoned for not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

‘‘(2) enhanced penalties.—Any alien who commits an offense described in paragraph (1) with the intent to aid, abet, or engage in an act of terrorism (as defined in section 2332a of title 18, United States Code) shall be imprisoned for not less than 15 years and not more than 30 years.’’

SEC. 3718. FREEZING BANK ACCOUNTS OF NATIONAL CRIMINAL ORGANIZATIONS AND MONEY LAUNDERERS.

Section 961(b) of title 18, United States Code, is amended by adding at the end the following:

‘‘(A) If a person is arrested or charged in connection with an offense described in subparagraph (C) involving the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days, except that such 30-day time period may be extended for good cause shown at a hearing conducted in the manner provided in Rule 41 of the Federal Rules of Procedure. The court may receive and consider evidence and information submitted by the Government that would be inadmissible under the Federal Rules of Evidence.

‘‘(B) The application for the restraining order referred to in subparagraph (A) shall—
(i) identify the offense for which the person has been arrested or charged;
(ii) identify the location and description of the account to be restrained; and
(iii) a restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, to prevent the government from conducting such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the account are subject to forfeiture in connection with the commission of any criminal offense.

(C) A restraining order may be issued pursuant to paragraph (A) if a person is arrested or charged with any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act (21 U.S.C. 801 et seq.).

(2) For purposes of this section—

(i) the term ‘account’ includes any safe deposit box and any account (as defined in paragraphs (1) and (2) of section 5318A(e) of title 31, United States Code) at any financial institution; and

(ii) the term ‘account held by the person arrested or charged’ includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.

(E) Restraint pursuant to this paragraph shall not be deemed a ‘seizure’ for purposes of subsection 933(a) of this title.

(F) A restraining order issued pursuant to this paragraph may be executed in any district in which the subject account is found, or transmitted to the central authority of any foreign State for service in accordance with any treaty or other international agreement.

3719. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) In General.—Section 372(a) of title 31, United States Code, is amended—

(1) by striking paragraph (2)(K) and inserting the following:

‘‘(K) monetary instrument in bearer form that has been paid in advance and that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.’’;

(b) GAO Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the impact the amendments made by subsection (a) has had on law enforcement, the prepaid access industry, and consumers; and

(2) the implementation and enforcement by the Department of Treasury of the final rule on Definitions and Other Regulations Relating to Prepaid Access (76 Fed. Reg. 49603), issued under section 5312(a) of title 31, United States Code, at any time during such year of capital assets.

(b) Intent to Conceal or Disguise.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ‘‘(B) knowing that’’ and inserting ‘‘(B) knowing that’’;

(2) in paragraph (2), by striking ‘‘prepaid access device’’, after ‘‘delivery,’’;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following:

‘‘(6) ‘‘prepaid access device’’ means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, mobile identification number, other personal identification number, personal identification number, or personal identification number, which provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.’’;

(c) Customs and Border Protection Strategy for Prepaid Access Devices.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Commission of the U.S. Customs and Border Protection, shall submit to Congress a report detailing a strategy to interdict and detect prepaid access devices, digital currencies, or other similar instruments, at border crossings and other ports of entry into the United States. The report shall include an assessment of infrastructure needs to carry out the strategy detailed in the report.

3720. MONEY LAUNDERING THROUGH BLANK CHECKS IN Bearer Form.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

‘‘(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value in excess of $10,000 if the instrument was drawn on an account that contained or was intended to contain more than $10,000 at the time the instrument was transported or the time period it was negotiated or was intended to be nego-

3721. CLOSING THE LOOPHOLE ON DRUG CARDOUSE IN ENGAGED IN MONEY LAUNDERING.

(a) Proceeds of a felony.—Section 1966(c)(1) of title 18, United States Code, is amended—

(1) by striking ‘‘(1) in paragraph (2), by striking ‘‘(B) knowing that’’ and inserting the following:

‘‘(B) knowing that the transaction—

(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law.’’;

(2) in paragraph (2), by striking ‘‘(B) knowing that’’ and all that follows through ‘‘Federal law,’’ and inserting the following:

‘‘(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of unlawful activity, and knowing that such transportation, transmission, or transfer—

(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law.’’;

(b) Intent to Conceal or Disguise.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ‘‘(B)’’,

(2) in paragraph (2)(B), by striking ‘‘(B) knowing that’’ and all that follows through ‘‘Federal law,’’ and inserting the following:

‘‘(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of unlawful activity, and knowing that such transportation, transmission, or transfer—

(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law.’’;

(c) Determining the Tax Under Paragraph (1) or Subsection (b) Shall Not Be Taken Into Account.

SEC. 3722. DIRECTIVE TO UNITED STATES SEN
tencing Commission; EMERGENCY AUTHORITY.

(a) In General.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements as the Commission considers appropriate to respond to this Act.

(b) Emergency Authority.—In carrying out subsection (a), the Commission may promulgate amendments to the Federal sentencing guidelines and policy statements in accordance with the procedures set forth in 28 U.S.C. 994 (28 U.S.C. 994 note), as though the authority under that Act had not expired.

At the appropriate place, insert the following:

SEC. 3723. PROSECUTING VISA OVERSTAYS.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary shall immediately initiate removal proceedings against not less than 90 percent of aliens admitted as nonimmigrants after such date of enactment who the Secretary determines exceeded their authorized period of admission.

(b) Report.—The Secretary shall submit to Congress a report on a quarterly basis that sets out the following:

(1) The total number of aliens who the Secretary has determined in that quarter have exceeded their authorized period of stay as nonimmigrants.

(2) The total number of aliens described in paragraph (1) against whom the Secretary has initiated removal proceedings during that quarter.

SA 1252. Mr. CASEY (for himself, Mr. SCHUMER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 37. TREATMENT OF CITIZENS WHO RE
nounce Citizenship to Avoid Taxation.

(a) Taxation of Capital Gains of Non-
resident Alien Expatriates.—(1) IN GENERAL.—For purposes of subparagraph (A) of section 871(a) of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(2) Capital Gains.—(A) IN GENERAL.—In the case of—

(i) a nonresident alien individual present in the United States for a period or periods in any taxable year of 183 days or more during the taxable year, or

(ii) a specified expatriate, there is hereby imposed for such year a tax on each amount of the gain which shall be considered to have a value in excess of the capital loss carried over in section 1221. Any gain or loss which is taken into account in determining the tax under paragraph (1) or subsection (b) shall not be taken into account in determining the tax under this paragraph. For purposes of this paragraph, a nonresident alien individual or specified expatriate not engaged in trade or business within the United States who has not established a taxable year for any period before the end of the taxable year which is the calendar year;

(B) COORDINATION WITH SECTION 877A.—For purposes of subparagraph (A), in determining the amount of any gain or loss on the sale or exchange of any asset which is held by a specified expatriate and which was subject to subparagraph (A) if a person is arrested or charged; as follows:

(1) The total number of aliens who the Secretary has determined in that quarter have exceeded their authorized period of stay as nonimmigrants.

(2) The total number of aliens described in paragraph (1) against whom the Secretary has initiated removal proceedings during that quarter.
date which is 10 years prior to the date of the enactment of this subparagraph.

(ii) Exception.—An individual shall not be considered a specified expatriate if such individual establishes, to the satisfaction of the Secretary that the loss of such individual’s United States citizenship did not result in a substantial reduction in taxes.

(2) Withholding.—Subsection (b) of section 1441 of the Internal Revenue Code of 1986 is amended by inserting “gains subject to tax under section 871(a)(2) by reason of subparagraph (L) or (V)”.

(3) Effective dates.—

(A) Taxation.—The amendment made by paragraph (2) shall apply to payments made after the date of the enactment of this Act.

(B) Withholding.—The amendment made by paragraph (2) shall apply to payments made after the date of the enactment of this Act.

(3) EFFECTIVE DATES.—

(A) Taxation.—The amendment made by paragraph (2) shall apply to payments made after the date of the enactment of this Act.

(B) Withholding.—The amendment made by paragraph (2) shall apply to payments made after the date of the enactment of this Act.

(II) FORMER CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION.—

(1) In general.—Any alien who is determined by the Secretary of the Treasury to be a specified expatriate is inadmissible.

(2) Specified expatriate.—In this subparagraph, the term ‘specified expatriate’ has the meaning given that term in section 1101 of the Immigration and Nationality Act (8 U.S.C. 1101) and includes any alien who is determined by the Secretary of the Treasury to be a specified expatriate under section 1101(a)(2)(C) of the Immigration and Nationality Act of 1986.

(3) Notification of excepted individuals.—The Secretary of the Treasury shall notify the Secretary of State and the Secretary of Homeland Security of the name of each individual who the Secretary of the Treasury determines is not a specified expatriate under section 1101(a)(2)(C)(i) of the Immigration and Nationality Act of 1986.

(4) Prohibition on waiver of inadmissibility.—

(A) in general.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1116(d)(3), as amended by section 403, is amended:

(i) in clause (1), by inserting “or paragraph (10)(E)” after “paragraph (9)(E)”; and

(ii) in clause (ii), by inserting “or paragraph (10)(E)” after “paragraph (9)(E)”,

(B) report.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary’s delegate, shall submit to Congress with recommendations (made in consultation with the Secretary of State and the Secretary of Homeland Security) for implementing a policy under which an individual who is a specified expatriate (as defined in section 1101(a)(2)(C) of the Immigration and Nationality Act of 1986) may be granted a waiver of inadmissibility.

SA 1254. Mr. VITTER submitted an amendment intended to be proposed by amendment SA 1251 submitted by Mr. CORNYN (for himself, Mr. CRAPO, Mr. BLUNT, Mr. KIRK, Mr. HATCH, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. BURR, Mr. CHAMBLISS, Mr. JOHANNES, and Mr. BARRASSO) and intended to be proposed to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning of clause 25 and all that follows through page 7, line 19 and insert the following:

(c) Trojans.—The Secretary may not consider petitions for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 211 of this Act, until—

SA 1255. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 903, lines 5 through 12, strike “Not less than 90 percent of the amounts made available under section 6(a)(3)(C)(i) shall be allocated for grants and reimbursements to law enforcement agencies in the States in the Southwest border region for personnel, overtime, travel expenses related to combating illegal immigration and drug smuggling in the Southwest border region.”

SA 1256. Mr. MOHseni submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1150, strike lines 21 through 24 and insert the following:

(II) Entrepreneurship.—An alien who is an entrepreneur—

1. shall be allocated 10 points if the alien’s business entity in the United States employs at least 2 United States citizens or legal permanent residents in zone 1, zone 2 occupation, or zone 3 occupation;

2. shall be allocated 15 points if the alien’s business entity in the United States employs at least 2 United States citizens or legal permanent residents in zone 4 occupation or a zone 5 occupation; or

3. shall be allocated 25 points if the alien’s business entity in the United States is a qualified entrepreneur (as defined in subsection (b)(6)(A)), who holds a valid nonimmigrant visa and whose business entity was purchased by another United States business entity, shall be allocated 15 points.

On page 1160, line 11, strike “(c)” and insert the following:

(c) Study.—Not later than 2 years after the date on which the first merit-based immigrant visa is issued pursuant to section 203(c) of the Immigration and Nationality Act, as added by section 2301(a)(2) of this Act, the Secretary shall submit a report to Congress that analyzes the issuance of such visas to immigrant entrepreneurs.

(d) On page 1206, line 6, strike “super”.

On page 1251, line 18, strike “(i)”.

On page 1251, line 14, strike “Section 203(b)” and insert the following:

(a) in general.—Section 203(b).”.

On page 1254, line 18, insert “and” after the semicolon.

On page 1254, beginning on line 14, strike “submits” and all that follows through “(IV)” on line 17.

Beginning on page 1255, line 25, strike “from such qualified entrepreneur, the partner, spouse, son, or daughter of such qualified entrepreneur, or.”

On page 1256, strike lines 14 through 21 and insert the following:

(II) has been filed by a United States citizen or legal permanent resident who is not the qualified entrepreneur or the spouse, son, or daughter of the qualified entrepreneur; and

(III) is compensated at a rate comparable to the median income of similar employees in the region in a manner common and comparable to the business entity’s industry. On page 1259, line 5, strike “Super”. On page 1259, line 6, strike “Super”. On page 1260, strike lines 3 through 9 and insert the following:

“(II) each of whom in the previous 3 years has made qualified investments totaling not less than $50,000 in United States business entities which are less than 5 years old.

On page 1262, lines 8 and 9, strike “and chief operating officer” and insert “chief executive officer, chief design officer, and chief creative officer”.

On page 1264, line 9, strike “Super”. On page 1269, line 19, strike “$500,000” and insert “$250,000.”

On page 1269, line 3, strike “Super”. On page 1269, line 5, strike “$750,000” and insert “Super”. On page 1269, line 20, strike “$500,000” and insert “$250,000”. On page 1269, line 20, strike “$250,000” and insert “$400,000”. On page 1267, between lines 4 and 5, insert the following:

(b) Authorization of dual intent for invest immigrants.—Section 214 (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking “subparagraph (L) or (V)” and inserting “subparagraph (L), (V), or (X)”;

and...
(2) in subsection (b), as amended by sections 2403(c) and 4401(b), by striking ‘‘or (W)’’ and inserting ‘‘(W), or (X)’’.

On page 1568, strike lines 1 through 21 and insert the following:

(1) the number of immigrant and non-immigrant visas issued to entrepreneurs for each fiscal year;

(2) an accounting of the excess demand for immigrant visas if the annual allocation is insufficient in any fiscal year to meet demand;

(3) the number and percentage of entrepreneurs able to meet thresholds for non-immigrant renewal and adjustment to permanent resident status under the amendments made by this subtitle;

(4) an analysis of the economic impact of entrepreneurs holding immigrant and non-immigrant visas authorized under this subtitle and the amendments made by this subtitle.

(c) EFFECTIVE DATE.—The amendments made by this subtitle are effective beginning on the date of enactment of this Act.

NILES’‘; OF ABUSE AND SPECIAL IMMIGRANT JUVENILES TO RECEIVE CERTAIN ASSISTANCE.—Subtitle X, that are still in operation; and

Subtitle X, and the amendments made by this subtitle, that are purchased by another

Subtitle X, immigrant visas authorized under this subsection, a description of the

Subtitle X, businesses initially created under this subsection, a description of the

Subtitle X, nonimmigrant or immigrant visas; and

Subtitle X, entrepreneurs granted immigrant and non-immigrant visas if the annual allocation is

Subtitle X, businesses created by entrepreneurs granted

Subtitle X, number of businesses established by entrepreneurs holding immigrant and non-immigrant visas authorized under this subtitle and the amendments made by this subtitle that are purchased by another United States business entity;

(7) except for the Secretary’s initial report under this subsection, a description of the

(8) recommendations for improving the program.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to prohibit the requirement for a substantiated determination in order to receive benefits under section 431(c)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(A)).

SA 1258. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 998, line 2, after “subsection (a)” insert the following: ‘‘(other than an immediate relative (as defined in section 201(b)(2)(B) of the Immigration and Nationality Act, as amended by section 2305 of this Act) or an applicant for an employment-based visa under section 203(b)(2) of the Immigration and Nationality Act, as amended by this Act).’’

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2013, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 12, 2013, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m. in room SH-216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 12, 2013, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the sessions of the Senate on June 12, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on June 12, 2013, at 10 a.m. in room SR–418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPower

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be granted privileges of the floor for the remainder of the first session of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Gohar Sedghi, a fellow in my Senate office, and Susan Corbin and Michelle Taylor, detaillees to the Homeland Security and Governmental Affairs Committee, be granted privileges of the floor for the remainder of the first session of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL APHASIA AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 168.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 168) designating June 2013 as ‘‘National Aphasia Awareness Month.’’

There being no objection, the resolution was agreed to.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under ‘‘Submitted Resolutions.’’)

ORDER TO PRINT—S. 954

Mr. REID. I ask unanimous consent that S. 954 be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that the Appropriations Committee be discharged from further consideration of H.R. 2217; that the papers with respect to the bill be returned to the House of Representatives as requested by the House; and when the bill is received back in the Senate it be referred to the Appropriations Committee, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 13, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, Thursday, June 13, 2013; that following the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following leader remarks, the Senate resume consideration of S. 744, the Comprehensive Immigration Reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADMISSION

Mr. REID. Mr. President, I therefore ask, if there is no further business to come before the Senate, that following the remarks of this distinguished Senator from Delaware, the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CARPER. Mr. President, picking up where I left off, I don’t think we, Congress, need to micromanage this process. We don’t need congressional immigration officers and so to speak. Rather, we need to spell out the goals, the priorities for border and port security which this bill does. We need to give the Department of Homeland Security the tools, skills, resources, and flexibility it needs to get this job done, which this bill also does. Then we need to let DHS do its job while at the same time continuing to provide responsible and robust oversight, not just here from Washington but along the border itself.

That is why now in my Committee on Homeland Security that is what my colleagues and I want to do to be sure this bill is implemented strongly and effectively.

Still, as strong as our border defenses have become and despite how much stronger this bill will make them, we cannot defend our Nation entirely at the border. One of our witnesses earlier this year noted that we often look to our borders to solve problems that originate elsewhere. In other words, we are so preoccupied with the symptoms we are missing the underlying causes which can make finding a solution all the more difficult. We have to address the root causes that are drawing people to our country illegally in order to fully secure our borders and ensure we are not embroiled in the same debate 20 years from now. I am pleased to say this bipartisan legislation addresses the root causes in a way that I believe is tough, is practical, and is fair.

My friend and former Deputy Secretary of the Department of Homeland Security Jane Holl Lute recently told me we have to strike the right balance between enforcing security policies at our borders and ports of entry, to keep bad actors out while facilitating and while encouraging commerce between the United States and our neighbors to the north and south, two of our biggest trading partners. This bill provides, as I said earlier, for 3,500 additional officers to work the our ports of entry—not ports along the water, actually land-based ports where a lot of traffic moves through, a lot of commerce moves through, and 3,500 additional officers actually will make a big difference. We need the time.

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Here are some of the examples of what we have done to upgrade our ports of entry. I am not going to use all of these, but we will use a couple of
them. This is a before. This is a shot, probably about 6 years before. We had limited. I think, very limited percentage of traveler queries. We had limited technology and we had minimal signage.

This is today. We have nearly 100 percent traveler queries on land borders, the expansive use of RFID-enabled documents and increased efficiency by 25 percent. We have new READY lanes to encourage our use of RFID documents as well.

Here, it is hard—this is like signage, simple, a lot of printed stuff. Here we have gone electronic. We can just stop.

When trucks are coming, when vehicles are coming, we have the ability to read the license plates before they ever get to the officers. We have the ability, if people are coming across, to use devices that read their passports and give us some idea who actually is coming up to the officer, Customs and Border Patrol officer. We use gamma rays. We are able to look inside trucks. We have the detection, the ability to detect radiation on any vehicles that are coming through. It is a massive change. We don’t just do it because we want to secure the vehicles and make sure what is supposed to be in them is actually in them and not some contraband or drugs or whatever, but we want to be able to expeditiously move the vehicles.

We want them to have a better thoroughput because there are huge economic consequences for us and for Mexico. We want to strengthen our borders. One of the reasons why we are making these investments is it is a tool to make them more secure, to keep bad people and bad stuff out, and do a better job of facilitating trade. It is smart business. It is a smart way to do business with the help of this legislation. I think that is all we are going to look at in terms of these ports of entry, I could move along. I think properly balancing commerce and security is critical because facilitating trade with our neighbors to the south and also to the north not only strengthens our own economy but also strengthens the economies throughout North, South and Central America.

Why do we care? We want their economies to be stronger so they don’t want to come up here and live with us, come here illegally and try to be a part of this country, although we appreciate their desire to do that. We want to make sure their countries are strong economically too.

For most who live in the United States illegally, though, what draws them to our country and enables them to stay here without legal status, as we know, is jobs. We need, obviously, a system that makes it easier for employers to do the right thing and to verify who is eligible to work. Too often today, that is not the case. We also need to talk about employers systematically break the law hiring undocumented workers and make sure their countries are strong.

I believe, again, the legislation that is before us comes close to achieving those goals. It requires all employers to use a strong electronic verification system, starting with large employers down to small employers over time, and it is designed to give employers quick assurance that the new employees are eligible to work, that they are considering hiring. For many workers these will include photo tools that let the employer verify that these people are indeed the person who applied for the worker eligibility document. The law increases fines for knowingly hiring undocumented workers and increases them by more than tenfold and includes a significant criminal penalty for those who systematically abuse our workplace laws. These new penalties, including jail sentences of up to 10 years, will provide a strong deterrent to employers who try to exploit undocumented workers for their own gain.

We also need to convince those who want to come here for a better life that the way to do that is through legal rather than illegal immigration. While we crack down on the bad actors who try to hire undocumented workers, we also need to make sure that employers who are playing by the rules have people and are able to keep our economy growing—and encourage people from other nations to come here legally when we do not have the talent here in this country able and willing to do some of the work that is being done. We demonstrate that at the border. Ultimately, the most effective force multiplier, as much as I like the idea of these drones, fully resourced with the VADER systems on them, as much as I like the idea of the C-2006 aircraft with the right kind of surveillance, and as much as I like having the blimps with all the technology they can carry, as much as I want to have helicopters to move our border surveillance up and down the border and have all kinds of surveillance and fencing and it all helps and access routes and all these investments help, I still think maybe the most effective force multiplier for protecting our border is to take away the need for people to come here illegally in the first place.

As we address the root causes, we have to address another challenge and that is the 11 million people who are here without proper documentation, living in the shadows today. Ironically, 40 percent came in on a legal status, on a student visa, a tourist visa, a work visa. They overstayed their welcome and overstayed what the law allows. Some critics argue that the bill before us grants immediate amnesty to those 11 million undocumented people. I don’t think that is true. What they get is not amnesty but, rather, a long, I think a hard path toward possible citizenship, one with many hurdles and no guarantees. It kind of reminds me of the trek a bunch of them took through Mexico just to get to the border, getting across the border without getting caught, trying to escape, in many cases, these coyotes who took advantage of them, robbed them, in some cases raped them, and once they got into this country avoiding getting detained. And a bunch got detained and ended up in the detention centers. That is not an easy path.

I don’t think the path this lays out ahead for those undocumented today is an easy path. Just to reach the first step, becoming what is called a regular temporary worker, individuals would have to clear multiple background checks, pay back taxes, pay a hefty fine. If they committed any kind of significant crime they are disqualified from pursuing that goal.

Once an applicant has cleared the first hurdle, registered provisional immigrants must remain employed, pay more taxes and fines; learn English, maintain a clean criminal record, and demonstrate they are living not below the poverty line but above the poverty line; they are gainfully employed. Most importantly, these people have to go to the back of the line, not ahead of people who are already here legally or who are legally here but behind them, at the end of the line—behind the folks who are here legally, who are going to get processed, as they should, first. It is going to take about 10 years before those folks who will gain citizenship will have a chance to even qualify for a green card.

Three years after getting a green card, these immigrants would finally be able to apply for citizenship. We are not talking about legal status, not talking about legal permanent resident status, not talking about green card.

So to our colleagues who are suggesting this bill would immediately begin legalizing the 11 million undocumented immigrants in this country right away, I would simply ask: Does that sound like an immediate process? I believe the process doesn’t sit out what I think is not an easy path, and, frankly, a lot of people won’t make it, just as a lot of people who have tried to get into this country have not made it either. I think the process we have laid out for those who are here will give them a chance to even qualify for a green card.
folks who try to come here illegally. We are dedicating significant resources to detaining and deporting those who try to go around the rules—spending roughly $2 billion a year on this effort. In fact, since President Obama took office, removals have increased from 291,000 people in 2007, or just under 300,000 folks, to more than 400,000 last year, when we returned a record number of people to their home countries.

Our Nation must also work with our neighbors to improve the process and decrease the time it takes to return our detainees to those countries of origin. When we were in Texas recently, I learned we have an agreement with Guatemala where they issue electronic travel documents to their citizens almost as soon as we apprehend them along our border—mostly Texas. This process cuts down on detention times for Guatemalans from 30 days to roughly 7 days.

It has a real positive effect on the Guatemalans we arrest and take into custody because they spend less time in detention—not a pleasant experience. It saves us millions of dollars because we have to hold them, feed them, and give them a place to stay for a shorter period of time. We need to take the Guatemalan model where we dramatically reduce the detention time and see if we cannot replicate their program with our other nations, especially particularly nations such as Mexico.

Finally, I will conclude by admitting this legislation is not perfect. On the other hand, I have not seen a perfect piece of legislation. Even the Constitution we adopted in Delaware on December 7, 1787, to become the first State wasn’t perfect either. We amended it again and again. We amended it over 30 times.

While I do believe there is certainly room for constructive criticism and debate about this bill, I am certain this legislation represents an improvement over our current system. I believe we can make it even stronger in the coming weeks, and I hope we will.

I plan to offer some amendments, and my guess is the Presiding Officer will offer amendments as well as our colleagues. We ought to offer them, debate them, and vote them up or down. We must come to this debate with an understanding that the status quo is unacceptable. If we don’t modernize our immigration system to allow employers to fill the jobs our economy needs and our citizens are unwilling or unable to do, we are hurting our children’s future while at the same time making our Nation less secure.

As a Nation founded on the principles of life, liberty, and the pursuit of happiness, we simply cannot tolerate a shadow economy of 11 million people who are scared to live freely, who generate black markets to produce false identity documents, and who drive down the wages of U.S. citizens.

To my colleagues who are still uneasy with legalization, I ask this: What is the alternative? It is not practical to find and deport 11 million people. Most of the undocumented immigrants in this country have lived here more than 10 years. Many have children who are U.S. citizens. They have deep roots in our society and contribute meaningfully to our national interests.

I think the American people would want us to be tough, but they also want us to be humane and realistic. I believe this legislation offers that path, that balance, and now is the time to take that path.

In closing, I am reminded of something that binds all of us together. If we actually look above where you are sitting, there are some words in Latin. If we look up there, we will see the Latin phrase “e pluribus unum,” which means “out of many, one.” It is a phrase that adorns our Nation’s seal. It suggests that while we all come from many different places, in the end we are one Nation.

With that thought in mind, I will simply say to our colleagues and to those who are following this discussion tonight, we have a choice. We can work together to make this bill better and adopt it in a bipartisan manner or we can remain in gridlock and let the American people down.

I know what I want to do. I know what the people of Delaware want us to do. They want us to legislate, and I want us to legislate as well. I want us to make our immigration system better. I want to show the American people that Congress can come together—Democrats, Republicans, and a couple of Independents—on an issue of great importance to our country’s economy and great importance to our national security. We need to get this done, and I am encouraged with the grace of God we will.

Mr. President, you will be glad to know that I am done, but our work remains to be done. I look forward to working with the Presiding Officer and 98 of our colleagues to get the job done for the American people.

With that, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, June 13, 2013.

Thereupon, the Senate, at 7:02 p.m., adjourned until Thursday, June 13, 2013, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL S. LINNINGTON
Ms. ESHOO. Mr. Speaker, our nation’s armed forces are the best in the world, but I rise today to speak against a form of cancer spreading within the ranks that is compromising the integrity of our armed forces.

For 25 years, Congress has pressured the Department of Defense to take bold action against sexual assault among our service men and women, and for 25 years, we’ve heard the same promises. In hearing after hearing, they’ve offered the results of study after study; told us about their zero tolerance policy; created task forces; and promised to prioritize this issue within the chain of command.

Despite these promises, sexual assault in the military is at an all-time high and rising. According to the Defense Department, there were more than 70 assaults per day in 2012, an estimated 26,000 total and a 30 percent increase over two years. Worse, only three percent of estimated sexual assaults in the military in 2012 were prosecuted. Countless service members continue to have little faith in the military justice system, and countless more suffer in silence for fear of retaliation.

The existing military justice system has clearly demonstrated its inability to solve this problem. As the civilian institution tasked with military oversight, it is incumbent upon Congress to act.

The amendment offered by my colleague, Representative SPEIER, is an effective and meaningful solution. This amendment is modeled on legislation, the Sexual Assault Training Oversight and Prevention Act (STOP Act), which I’m proud to cosponsor.

The STOP Act rightfully removes the sexual assault response process from the military chain of command and replaces it with an accountable, civilian-controlled oversight office. It ensures that trained, impartial prosecutors respond to allegations of sexual assault, not higher ranking commanders with a potential bone to pick.

It provides victims with real access to justice, via an objective response system. And it means no more fear of retaliation, lost promotion, re-victimization, and pushback. Sexual assault is a scourge that weakens our military and our nation and has absolutely no place in society. I encourage my colleagues in the strongest possible terms to support this sensible amendment.

Ms. CAPITO. Mr. Speaker, I rise today to recognize Lieutenant Colonel John D. Wroth’s recent retirement from a distinguished military career in the United States Air Force. His service to our nation is one of honor and devotion, to which the people of West Virginia and the United States of America owe a tremendous debt of gratitude.

Born in Parkersburg, West Virginia, John Wroth received his bachelor’s degree from the University of Charleston in 1987 and began serving his country in 1989, the year he received his commission from the United States Air Force Officer Training School. He has led unit deployments to Europe, the Pacific and Southwest Asia and, as a graduate of the elite Air Force Weapons School, he led as mission commander on the first night of Operation ALLIED FORCE in the Balkan Peninsula and served as the Master Air Attack Plan Team Chief in support of both Iraqi and Enduring Freedom.

In addition, Lieutenant Colonel Wroth has served as a unit scheduler, standardization/evaluation officer, tactics and training instructor, flight commander, platform instructor and lead electronic warfare instructor at the U.S. Air Force Weapons School.

Lieutenant Colonel Wroth has received numerous awards and decorations throughout his service to our nation: the Meritorious Service Medal, the Air Medal, the Air Force Commendation Medal, the Air Force Achievement Medal, the Global War on Terrorism Expeditionary Medal, and the NATO Medal. Furthermore, Wroth led the Air Force ROTC of Duke University to a number one rating for all smalldetachments.

Currently, Lieutenant Colonel Wroth is Chief, Nuclear Operations Branch serving on the Nuclear Command and Control System, and is the primary liaison to the Department of Homeland Security and the White House Military Office.

In addition to his devoted service to our country, Wroth also managed to raise a wonderful family with his wife, Lydia. Together they have four children, Ian, Sarah, Jacob, and Dylan.

Mr. Speaker, the exemplary service of Lieutenant Colonel John D. Wroth is deserving of the utmost respect. His dedication to country and family is a model for all of us, and I am proud to call him a fellow West Virginian.
The Pensacola Ice Flyers were founded in 2009 and named to honor Pensacola's long and proud history as the "Cradle of Naval Aviation." From the beginning, the Ice Flyers have been strong competitors in the Southern Professional Hockey League's President's Cup Championship series and offer my congratulations to the team members, owners, coaching staff, and front office staff:

Team members, Steve Bergin; Dan Bucella; Jordan Chong; Joe Caveney; Brent Clarke; Brad Cooper; Ron Cramer; John Dunbar; Nick Dupuis; Gerry Festa; Jeremy Gates; Mitchell Good; Patrick Knowlton; Kevin Kozlowski; Justin MacDonald; Mike MacIntyre; Ross MacKinnon; Ryan Salvis; Tyler Soehner; Ross MacKinnon; Ryan Salvis; Tyler Soehner; and Brandon Vossberg; Owners, Greg Harris; and Tim Kerr; Coach, Gary Graham; Equipment Manager, Mark "Bonez" Bradtmuller; Athletic Trainer, Jen Lorenzo; and front office staff, Tina Burnham; Patrick Casey; Kayleigh Kerr; Josh Kersh; Willa Licata; Chuck McCartney; and Brittany Tindell.

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After coming agonizingly close to victory last season, the Ice Flyers entered into the 2012–13 season with only one goal: to win it all. The Ice Flyers enjoyed a successful regular season, finishing with the third best record in the league. The team also enjoyed tremendous support from the Pensacola community, drawing more than 100,000 fans to their home games this season.

The President's Cup series between the Ice Flyers and the Huntsville Havoc was a closely contested affair. In the first game, the Ice Flyers prevailed at home in overtime 2–1; however, the Havoc fought back just three days later to claim a series tying 2–1 victory, sending the series back to Pensacola for a third and final game.

A passionate crowd of nearly 4,700 fans showed up at the Pensacola Bay Center to watch as the Ice Flyers faced the Havoc in the third and final game of the President's Cup series on April 14, 2013. The Ice Flyers took an early lead after just two minutes and seven seconds of play, and they never looked back en route to a 2–0 shutout victory to claim the crown and bring the President's Cup to Pensacola. With their victory, the Ice Flyers became just the third professional hockey team from Florida to capture a championship, and they became the first team from Pensacola to bring a professional sports trophy to the area. Mr. Speaker, on behalf of the United States Congress, I am honored to recognize the players, coaches, staff, and fans of the Pensacola Ice Flyers for their championship-winning season. The entire Northwest Florida area looks forward to many more winning seasons to come.

CONGRATULATING THE PENSACOLA ICE FLYERS AS CHAMPIONS OF THE SOUTHERN PROFESSIONAL HOCKEY LEAGUE'S PRESIDENT'S CUP

HON. JEFF MILLER OF FLORIDA IN THE HOUSE OF REPRESENTATIVES Wednesday, June 12, 2013

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Pensacola Ice Flyers for their recent victory in the Southern Professional Hockey League's President's Cup Championship series and offer my congratulations to the team members, owners, coaching staff, and front office staff:

Team members, Steve Bergin; Dan Bucella; Jordan Chong; Joe Caveney; Brent Clarke; Brad Cooper; Ron Cramer; John Dunbar; Nick Dupuis; Gerry Festa; Jeremy Gates; Mitchell Good; Patrick Knowlton; Kevin Kozlowski; Justin MacDonald; Mike MacIntyre; Ross MacKinnon; Ryan Salvis; Tyler Soehner; Ross MacKinnon; Ryan Salvis; Tyler Soehner; and Brandon Vossberg; Owners, Greg Harris; and Tim Kerr; Coach, Gary Graham; Equipment Manager, Mark "Bonez" Bradtmuller; Athletic Trainer, Jen Lorenzo; and front office staff, Tina Burnham; Patrick Casey; Kayleigh Kerr; Josh Kersh; Willa Licata; Chuck McCartney; and Brittany Tindell.

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LOUISIANA ECONOMIC DEVELOPMENT ASSOCIATION RECOGNIZES CENTURY GROUP INC. AS A RECIPIENT OF THE 2013 LANTERN AWARDS

HON. CHARLES W. BOUSTANY, JR. OF LOUISIANA IN THE HOUSE OF REPRESENTATIVES Wednesday, June 12, 2013

Mr. BOUSTANY. Mr. Speaker, I rise today to congratulate Century Group Inc. as the Southwest Louisiana Region recipient of the 2013 Lantern Awards. The Lantern Award provides an opportunity to salute manufacturers for their outstanding contributions to the Louisiana economy and to their communities. Recipients are selected on the basis of their contributions over a period of time to the betterment of their communities, growth in the number of employees, and expansion of their facilities.

The Century Group Inc. started out as one man, Alma Como, who built a wooden cast to create concrete steps in 1942. Today, Century Group is the leading manufacturer of precast concrete steps, concrete railroad grade crossings, railroad spill collection systems and other precise concrete products in North America.

During the first 30 years, Century Group Inc. set up seven manufacturing locations servicing home building material dealers in 27 states. In the mid 1960's the Century Group Inc. entered the railroad market providing services to industry along the Louisiana-Texas Gulf Coast. By the late 1970's, it had established a precast concrete manufacturing Division, Department of Transportation, municipalities, military facilities, heavy industry, harbors, and general contractors.

THROUGHOUT HIS TIME IN THE SENATE, Frank was always thinking about the ordinary person. He never forgot that they were the people who had sent him to serve, he never stopped fighting, and the people of New Jersey knew that. They knew they had somebody in the Senate who was looking out for them.

Frank and I worked on a number of important issues together. From strengthening and securing our rail system to combating bullying with the Tyler Clementi bill, I always relished the opportunity to work with such a premier
Mr. JONES. Mr. Speaker, I would like to take a moment to honor Richard Gaines, an accomplished journalist and great friend of the fishing industry who passed away unexpectedly on June 9, 2013.

I began working with Mr. Gaines when he was employed at the Gloucester Daily Times in Massachusetts as a staff writer with a reputation for thorough, effective reporting.

Through his passionate coverage of the fishing industry, he became an advocate for fishery management. Eaton officials, peers, and readers alike admired Mr. Gaines’ ability to clearly and accurately communicate the issues facing the industry.

Mr. Gaines began his career in the 1960’s as a reporter for United Press International. He went on to become editor-in-chief at the Boston Phoenix, where he was well-known as an investigative journalist and garnered national attention when the paper was named as a runner up for a Pulitzer Prize. He authored a book and worked as a political consultant before joining the Gloucester Daily Times.

Mr. Gaines regularly reported on issues directly affecting the Third District of North Carolina, and his insight into the fishing industry will be greatly missed. We have lost not only a talented journalist, but a man of honesty and integrity and a true friend to America’s fishermen. I am grateful for Mr. Gaines’ service and pleased to have him recognized by the United States Congress, an honor which he truly deserves.

HONORING THE PINE BROOK VOLUNTEER FIRE DEPARTMENT’S CENTENNIAL ANNIVERSARY

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Pine Brook Volunteer Fire Department, located in Montville Township, New Jersey, which is celebrating its Centennial Anniversary.

In 1913, the citizens of Pine Brook, an area within Montville Township, decided to organize a Fire Department to protect their community. Using land donated by Abram A. Van Wert, the people of Pine Brook built their own firehouse, which is still in use; the only changes being the addition of overhead doors and a rear meeting room. The people also provided the funds needed to start the fire company through donations. With the location and funds in place, the Pine Brook Fire Department was able to designate bell codes and zones, and purchase their first pieces of equipment; two hand-pulled chemical fire extinguishers. Over the following eight months, the Fire Department held a number of fundraising raffles, giving away pigs, ponies, clocks, and watches. With these funds, they were able to purchase a chassis from Republic Truck with two chemical tanks, a 150-foot reel of hose, and a small chemical holder and acid receptacle. Two years later, the headlights and bumper were purchased. This served the town until 1924, when the truck was sold to Hanover, and an American-LaFrance truck was purchased in its place. Throughout these early years the Pine Brook Volunteer Fire Department provided protection to the towns of Hanover, Parsippany, and to the Township of Caldwell.

Over the coming years, the department struggled to maintain operation due to insufficient funds. The citizens were informed that, because of their lack of interest and support, the fire department would have to be turned over to the Township of Montville. This prompted the people to pledge greater support in the future, and the Fire Department has since thrived. In later years, the department successfully petitioned for a Fire Commission Act of 1946 by the State of New Jersey, which eventually served as legislation to join all volunteer fire companies in New Jersey. In 1970, later in 1975, plans for a new, larger station. With the increases in demand over the coming years, they added a Rescue and Salvage truck, a ladder truck, as well as other pumper trucks to their fleet.

Today, the Pine Brook Volunteer Fire Department has remained an important part of the community, and adapted to its ever-changing needs. The department has kept up to date with its rigs, equipment, and radio devices, as well as with volunteer training in fire safety and techniques. Due to the efforts of the Pine Brook Volunteer Fire Department, a Fire Prevention Bureau ordinance was introduced to the Township. Additionally, during Fire Prevention Week, firefighters have visited schools and educated children on fire safety for the past 25 years. After one hundred years, the Pine Brook Volunteer Fire Department continues its proud tradition of service, while maintaining a high level of professionalism and readiness for any emergencies that may arise.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Pine Brook Volunteer Fire Department as they celebrate their 100th anniversary.
themselves to their areas; be it from tornadoes, earthquakes, flooding, or other severe weather. Many of the steps necessary to prepare for hurricanes are the same for other hazards. I urge all Americans to develop a disaster plan; assemble an emergency kit, including medications, important documents, and food and water; and become familiar with the evacuation routes and emergency management officials in their areas.

Unsure of what to do to get prepared? There are resources online that can help. In my home state of Indiana, Hoosiers can visit the Indiana Department of Homeland Security’s “Get Prepared” site at www.in.gov/dhs/getprepared.htm. Information is also available from the Federal Emergency Management Agency at www.fema.gov. The Department of Homeland Security’s Ready program has useful information on ways to get prepared at www.ready.gov. Through this site resources are also available for kids, businesses, and non-English speakers in 12 languages. Information on ways to plan and prepare is also available from the American Red Cross through its “Be Red Cross Ready” module at www.arcrrcr.org.

Severe weather can occur at any time, with little notice. Super Storm Sandy, the tornadoes in Oklahoma, and the recent flooding in my congressional district are proof of the devastation that disasters can have on our nation. The time to plan is now. Taking some simple steps to prepare yourself, and your family, can make all the difference when disaster strikes.

IN RECOGNITION OF THE HISTORIC MARKER DEDICATION FOR CUSSETA INDUSTRIAL HIGH SCHOOL

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in recognition of the upcoming Historic Marker Dedication ceremony for Cusseta Industrial High School in Cusseta, Georgia. The grounds of this historic edifice will be dedicated Saturday, June 15, 2013 at 11:00 a.m.

The dedication ceremony will serve as tribute to the preservative efforts of dedicated alumni, the Chattahoochee County Historic Preservation Society, and members of the community who saw fit to treasure this jewel of American history.

Beginning in 1912, a beacon of light was shone on the education of African-American students when philanthropist Julius Rosenwald worked with Booker T. Washington and other African-American educators at the Tuskegee Institute to build a number of black schools in the racially segregated rural South. Known as the Rosenwald Fund, these endeavors supported the construction of approximately 5,000 schools in fifteen states—242 of which are located in Georgia.

With the support of the Rosenwald Trust Fund, the neighboring African-American community, and funds from Chattahoochee County, Cusseta Industrial High School served as the only school for African-American students and black students at Cusseta. The school was built in 1929–1930 in conformance with standardized plans for efficient new schools for the education of African-American students within the county. The Cusseta School is among the best surviving examples of the roughly fifty remaining Rosenwald schools in Georgia. It was placed on the National Historic Register on April 15, 2011.

This “little school on the hill” educated a number of African-American scholars until its closure in 1958. Of the seventeen students in the last graduating class, four have passed away. Echoing the sentiments of the place where “everybody was somebody and Christ was all,” a place where Friday worship experiences were the highlight of the week, the community who saw fit to treasure this jewel in the community that defined their lives—many young African-American students were given the opportunity to earn an education.

Mr. Speaker, today I ask my colleagues to join me in recognizing this historic moment as the community of Cusseta, Georgia rises to honor and preserve Old Cusseta Industrial High School has become a beacon of light.

Mr. Speaker, today I ask my colleagues to join me in recognizing this historic moment as the community of Cusseta, Georgia rises to honor and preserve Old Cusseta Industrial High School, a beloved landmark where many young African-American students were given the opportunity to earn an education.

SPEECH OF
HON. GARY C. PETERS
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 2013

The House in Committee of the Whole the House on the state of the Union had under consideration the bill (H.R. 2217) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes:

Mr. PETERS of Michigan. Mr. Chair, I rise in opposition to H.R. 2217, the Department of Homeland Security Appropriations Act for Fiscal Year 2014. I remain firmly committed to the security of the United States and the Department’s mission of ensuring our communities are safe and secure from terrorism and other threats. However, I have serious concerns about a provision of this bill that causes me to be unable to support it.

I am disappointed that the House adopted the controversial King amendment. This amendment offered by Representative Steve King will prohibit the administration from implementing the Deferred Action for Childhood Arrivals program. Children who were brought to the United States at a young age should not be penalized for the actions of their parents. These individuals, commonly referred to as DREAMers, may only know the United States and speak English. Deporting them to a country they may know nothing of, where they may not speak the language or know any relatives, is counterproductive to the principles that define our nation. I believe we need comprehensive immigration reform which addresses the issue of DREAM Act eligible youth and develops a framework for ensuring they can maintain a legal status in the United States. That is why, as a member of Congress who voted for the DREAM Act, I cannot support the King Amendment.

While I agree with the necessity of providing adequate resources to the Department of Homeland Security, due to the inclusion of this unnecessary and controversial ban on the Deferred Action for Childhood Arrivals program, I am unable to support the bill.

RECOGNIZING THE PENSACOLA CATHOLIC HIGH SCHOOL CRUSADERS BASEBALL TEAM AS CLASS 4A FLORIDA HIGH SCHOOL SPORTS ASSOCIATION STATE CHAMPIONS

HON. JEFF MILLER
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the First Congressional District of Florida’s Pensacola Catholic High School Crusaders for winning its second-straight Class 4A Florida High School Sports Association Baseball Championship and offer my congratulations to the team members, coaches, trainer, and school principal:

Team members, Tanner Halstead (#3); Gavin Wehby (#4); Drew LaBounty (#5); Zane Gill (#7); Jon Jon Burkett (#8); Clarke Berry (#9); Brandon Wiley (#10); Gregory Ciangiotto (#11); Evans Bozeman (#12); Avery Geyer (#13); Bronson Chan (#14); Chandler Burns (#15); Cooper Jones (#16); Cody Henry (#17); Zach Allen (#21); James McGhee (#22); Jacob Knorr (#23); Michael Neal (#31); Brandon Lockridge (#32); Nick Helton (#40); Zach Wyant; Kai Wilson; Hunter Wilson; and Jason Borcz; Coaches, Richard LaBounty; P.J. Smith; Sonny Reedy; Glenn Currie; Keith Haynes; Jak-y Kohr; Christian Macon; and Russell Deason; Trainer, Lexi West; and Principal, Sister Kierstin Martin.

The Catholic Crusaders ended a spectacular season with three wins and no losses to clinch this year’s state championship. The final game was played against Miami Monsignor Pace High School at JetBlue Park in Fort Myers, Florida, on Tuesday, May 21, with the Crusaders earning an eighth inning victory by a score of seven to five. Many of the exceptional plays leading up to the victory occurred in the eighth inning itself. Junior James McGhee hit a two-run double in the top of the eighth inning, and senior pitcher Cooper Jones handled all three outs himself in the bottom of the eighth, striking two batters out and fielding a ground ball to the pitcher’s mound to close out the game.

This extraordinary triumph marks a proud moment in the sports history of Northwest Florida and builds upon its already strong baseball tradition. The Crusader’s winning streak has risen to thirty-five (which I was reported has not occurred in the Pensacola area since Escambia High School reached that level in the 1965-1966 season. Perhaps more impressive is the fact that no team in Pensacola history, prior to this one, has ever ended a season undefeated. On behalf of the United States Congress and the citizens of Northwest Florida, I congratulate the team, students, and faculty of
Catholic High School for its extraordinary victory. My wife Vicki joins me in offering our best wishes to the school and its talented athletes for their continued success.

HONORING LANDON BONNIEPAUL VERNON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the remarkable life of Mr. Landon Bonniepaull Vernon. A loving son, brother, husband, father, grandfather and friend, Mr. Vernon was exemplary in his familial devotion, entrepreneurial spirit and community pride. With his passing on March 5, 2013 we are reminded of his life’s journey and the joyful legacy he inspired.

Born in Franklinton, Louisiana on August 26, 1936, Landon was the third of six boys born to Sherman Vernon and Sara Crawford. The family relocated to California in the early 1940s, settling in Oakland, where Landon attended local schools and played high school and college basketball.

Mr. Vernon entered his high school sweetheart and the love of his life, Barbara McKellar-Vernon, and together they raised three children, Landon Carl, Wayne and Darlene. An avid businessman and entrepreneur, Mr. Vernon started a janitorial service as early as high school. Over the years, he also worked in a variety of roles at stalwart Bay Area businesses like Aerojet, Wonder Bread, The National Association of Home Builders and Oakland’s Outreach Development Program.

Yet, Mr. Vernon also continued to achieve his dream of entrepreneurial success while becoming co-owner and co-manager of several Bay Area clubs, including Celebrity Club, Consultants Lounge, Bird Kage, Dock of the Bay, Old Golden, Bosni’s Locker and Nick’s Lounge. Many of these locales were African American cultural institutions that contributed to the important legacy of Black- and minority-owned small businesses in the East Bay. Mr. Vernon was also the owner of the vending machine company LV Rentals.

In addition to Mr. Vernon’s commitment to his business ventures, he was an avid sports buff who supported East Bay athletic organizations and cofounded the Bird Kage Golf Tournament. As a member of the “Sportsmen Club All Stars” basketball team, Mr. Vernon played with the likes of Litt “The Stilt” Chamberlain, Charlie Brown, Dick Ricksdale, Richard Whitehurst and Harold Theus. His enthusiasm in supporting athletic and business communities of color undoubtedly helped to pave the way for more organizations to follow.

In addition to this community activity, Mr. Vernon loved to fish. He was especially fond of visiting extended family and friends back in Louisiana and making sure that the bonds of family and friendship were always strong. Fishing was also one of his favorite pastimes for relaxation, and he often noted that if all mankind could fish, the world would recognize and understand every dental condition. He was truly one that was “well-lived and well-loved;” and his memory is a testament to the benefits of forming and sustaining meaningful relationships with others. Furthermore, Landon was a personal friend who I met in the early 1970s. He was fun, smart and extremely kind to my family. We are deeply grateful for his friendship.

Today, California’s 18th Congressional District relishes the memory of Mr. Landon Bonniepaull Vernon. His vibrant spirit and sense of fellowship will continue to guide others to connect with their communities and loved ones for years to come. I offer my sincerest condolences to Landon’s surviving family and to the many friends and associates whose lives he touched over the course of his incredible life. He will be deeply missed.

IN RECOGNITION OF SRIRAM HATHWAR

HON. TOM REED
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Mr. Speaker, I rise today to recognize Sriram Hathwar, a resident of Painted Post, New York. Sriram, a seventh-grader at the Corning Alternative School for Math and Science, placed third in this year’s Scripps National Spelling Bee. This thirteen-year-old stands as a representative of the bright young minds of the 23rd Congressional District of New York.

The Scripps National Spelling Bee is the nation’s largest and longest-running educational promotion, with the purpose of helping students build the foundations for English language skills they will use all their lives. Only 281 spellers out of 11 million won regional bees to advance to the national level, and Sriram rose up through the ranks to place in the top three. He has competed at the national level four times, and his performance this year has placed him at his highest ranking thus far. Sriram has not taken his eye off the prize, though, as he plans to compete in the bee again next year, his final year of eligibility.

I am proud to have students like Sriram in my district. His accomplishments show the brilliance set to come forth from this district in the future, and I am honored to recognize him today.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF LOAVES AND FISHES

HON. DORIS O. MATSUI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Ms. MATSUI. Mr. Speaker, I rise today to recognize and honor Sacramento’s Loaves and Fishes homeless shelter, and congratulate them as they celebrate their 30th anniversary. I ask all my colleagues to join me in honoring this organization.

Founded in 1983, Loaves and Fishes has been serving the Sacramento area by providing food, shelter, and social services for the area’s homeless. They are a haven of safety, sustenance, and shelter for the men, women and children that seek their assistance. Today’s “30 Years of Food, Warmth, and a Path Home” celebration has been dedicated to the hard work of Loaves and Fishes’ countless volunteers.

Loaves and Fishes, led by Sister Libby Fernandez and a committed Board of Directors, has shown compassion and devotion to meeting the needs of the homeless and indigent in the Greater Sacramento area. They place the dignity of each person that they serve at the forefront of their efforts and strive to meet the needs of each person that walks in their doors. To fulfill its mission of compassion, Loaves and Fishes relies on financial support from a number of private donations and church groups.

Mr. Speaker, I hereby recognize Loaves and Fishes for their continued service to the homeless men, women, and children of the Greater Sacramento area. I ask my colleagues to join me in honoring this organization and wishing them continued success as they endeavor to serve Sacramento’s homeless.

IN RECOGNITION OF THE LAKEWOOD FOUNDATION AND THE 2013 NATIONAL INTERCOLLEGIATE WHEELCHAIR BASKETBALL ASSOCIATION TOURNAMENT

HON. SPENCER BACHUS
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Mr. BACHUS. Mr. Speaker, it is the privilege of the State of Alabama and the City of Homewood to be the site of the renowned Lakeshore Foundation, a center whose focus on personal fitness and competitive athletics has benefited countless individuals with physical disabilities throughout my state, our country, and the world.

Lakeshore started as a hospital dedicated to treating the national scourge of tuberculosis in the 1920s. In 1984, it became fully focused on its current mission: to provide rehabilitative recreational and sports programs to improve the lives of people with disabilities. At Lakeshore, the connection between physical activity, from basic fitness to competitive athletics, and emotional restoration is understood and nurtured.

The world-class athletic facilities at Lakeshore Foundation are used by individuals of all ages, from young children to senior citizens. It is a training location for the U.S. Paralympic Team. After 9/11, it created a special program called “Lima Foxtrot” to help courageous wounded warriors recover their physical skills after severe injury.

Most recently, Lakeshore Foundation and the University of Alabama at Birmingham have formed the UAB/Lakeshore Research Collaborative. The joint effort between Lakeshore and UAB is a world-class research program in rehabilitative science. The collaborative links Lakeshore’s extraordinary programs for people with physically disabling conditions with UAB’s research expertise.

A special event took place from March 7 through March 9 of this year when Lakeshore Foundation teamed with the University of Alabama and the National Wheelchair Basketball Association (NWBA) to successfully host the National Intercollegiate Wheelchair Basketball Association Tournament. The University of Alabama is known for having one of the top adaptive athletic programs in the nation.
Eight men's teams and four women's teams from across the country competed in the tournament.

In the women's finals, the University of Wisconsin-Whitewater team defeated the University of Alabama team 55–41 to become the 2013 Women's National Champions.

In the men's finals, the University of Alabama team came out victorious, defeating the University of Texas-Arlington 71–52 to become the 2013 Men's National Champions.

The wheelchair play on the Lakeshore basketball courts was every bit as intense as you would have seen during the NCAA's "Final Four." The lesson that athletes on each of the participating teams taught us about determination and overcoming obstacles made them all champions. The event brought great pride and honor to the State of Alabama.

Mr. Speaker, I ask my colleagues to join me in recognizing the combined efforts of the achievements of all the players, coaches, and staff who contributed to the championship season and to congratulate Lakeshore Foundation and the University of Alabama for successfully hosting the 2013 National Interscholastic Wheelchair Basketball Association Tournament. Under the leadership of President and Chief Executive Officer Jeff Underwood, the Lakeshore Foundation will continue to change the way we think about physical disabilities and challenge all of us to expand our horizons.

RECOGNIZING CHUCK HERSEY
HON. SANDER M. LEVIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. LEVIN. Mr. Speaker, I rise today to recognize one of Southeast Michigan's environmental leaders, Chuck Hersey, on the occasion of his retirement from the Southeast Michigan Council of Governments after 35 years of dedicated service.

After graduating with a degree in Environmental Studies from the University of Michigan-Dearborn, Chuck joined SEMCOG in the spring of 1978 as a co-op research assistant. He was promptly hired full time to work on transportation planning, and was promoted to the position of Air Quality Planner in 1980. Since that time, Chuck has been intimately involved in our region's implementation strategy for meeting air quality goals. Over the course of many years, he has also worked tirelessly in the cause of improving water quality in Michigan.

SEMCOG was formed over 40 years ago to fill a vital need—to bring together distinct communities in Southeast Michigan, and provide a forum to help them plan and work together for the common good. The philosophy at the heart of SEMCOG is that the whole is sometimes greater than the sum of its parts, and that our region faces challenges we can only meet by working together.

Chuck's work on air pollution is a good example. Air pollution does not recognize political boundaries. You can't deal with ozone and particulate pollution unless you are able to look at pollution on a regional basis, and then develop strategies that both meet the health-based standards of the Clean Air Act and are achievable and cost-effective. This is precisely the work that has occupied Chuck during his tenure at SEMCOG, whether it was his efforts behind the formation of a Southeast Michigan Ozone Strategy; his work on air quality attainment strategies; and his development of the Ozone Action Program, which became a national model on air quality education.

I am also grateful for the work Chuck and SEMCOG have done to advance water quality improvements in Lake St. Clair, and, in particular, his efforts to advance the Lake St. Clair Strategic Implementation Plan.

Among his other accomplishments, Chuck holds a Master's in Public Administration from the University of Michigan. He is the devoted husband of Agnes, and father of Mathew and Angela. Chuck and Agnes have two grandchildren, Cameron and Giovanni.

Mr. Speaker, I ask my colleagues to join me in recognizing Chuck Hersey for his commitment to the citizens of Michigan as well as our state's precious environment.

OUR UNCONSCIONABLE NATIONAL DEBT
HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08. Today, it is $16,738,715,835,680.58. We've added $6,111,838,786,750 to our debt in 4 and a half years. This is $6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO HONOR FLIGHT OF OREGON
HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. WALDEN. Mr. Speaker, I rise to recognize the 27 World War II veterans from Oregon who will be visiting their memorial this Saturday in Washington, DC through Honor Flight of Oregon. On behalf of a grateful State and country, we welcome these heroes to the nation's capital.


These 27 heroes join more than 98,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, DC to reflect at the memorials built in honor of our nation's veterans.

I want to recognize and thank Gail Yakopitz for her tireless work as president of Honor Flight of Oregon.

PAY YOUR BILLS OR LOSE YOUR PAY ACT
HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. McDERMOTT. Mr. Speaker, right now, all across this country, American families are looking at an average of $15,000 of credit card debt. The average student loan debt is double that. I'm sure each one of those families would like the option of saying, "no thanks, I'm not interested in paying those bills." But they can't.

Americans don't get to skip out on repaying their debt without drastic consequences. Why should Congress get to play by separate rules?

When we talk about the debt ceiling, we're not talking about our spending habits or curbing our expenses; we're talking about fulfilling the promises we've already made. We can't debate our budget after we've received what we bought.

The last time we played chicken with the debt ceiling, we deeply hurt our credit standing in the world. And we don't have to guess why we were downgraded: Standard and Poors directly told us that was on account of the poverty we were downgraded: Standard and Poors directly told us that was on account of the poverty.
HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in recognition of Ms. Antoinette “Toni” Jones Pauline on the occasion of her 75th birthday. An outstanding educator, mother, and grandmother, I am truly blessed to be able to count Toni among my dearest friends. Throughout the years, she always has been a great source of motivation and inspiration to me, and exemplifies what it means to serve the community.

Toni was born in Gainesville, Florida to Allen Quinn Jones, Jr. and Glovine. She spent her early childhood in Gainesville before moving to Fernandina Beach, where she attended Peck High School and was a valedictorian. Following her graduation from Peck High School in 1956, Toni went on to continue her education at my alma mater, Florida A&M University, and then Nova Southeastern University, where she graduated with a Bachelor’s degree in Library Science and a Master’s degree in Media Science, respectively.

With a love for education, Toni began her career in the Florida public school system as a librarian at Bradenton Elementary. She continued working at various libraries in schools throughout Broward County, including Chester A. Moore Elementary and Dillard High School. Wanting to do more to help those who are underrepresented and underserved, Toni found work with both the State of Florida and Broward County to improve migrant education. For nearly seven years, she dedicated her time to working with migrant camps in communities all across the State. Toni then returned to the Broward County Public Library System, where she spent the latter years of her career as the Head Reference Librarian at the Pompano Branch Library.

After over 40 years of public service, Toni now fills her days spending time with her granddaughter and volunteering in her community. She is also a lifelong member of Alpha Kappa Alpha Sorority, Inc.

Mr. Speaker, as we celebrate Toni’s 75th birthday, I would like to wish her and her entire family all the very best.

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to a great man and outstanding citizen of Camilla, Georgia, Bernard Algenon Catchings. Mr. Catchings passed away on May 22, 2013. A memorial service will be held on Saturday, June 15, 2013 at 1:00 p.m. at St. Peter AME Church in Camilla, Georgia.

Born on January 19, 1915 to the late Tim-othy and Alice Catchings of Camilla, Georgia, Bernard Catchings was the fourteenth of sixteen children. He was educated at the Catchings Family School, a school his father built on the family’s farm, and graduated from Mitchell County Training School in Pelham, Georgia. He later earned his Bachelor of Science Degree in Agriculture from Fort Valley State College in 1946. In the intervening time, he proudly served his country as a Medical Technical in World War II and was honorably discharged in 1944. Mr. Catchings obtained his Master’s Degree in Horticulture from Florida Agricultural and Mechanical University.

Mr. Catchings’ passion for education persisted during his professional career as a teacher in the school systems of Mitchell and Baker Counties in Georgia as well as in the Jackson County School System in Florida. He taught Math, Science, Agriculture, Shop, and Driver’s Education classes. He continued to touch the lives of young people by substitute teaching at Mitchell Baker High School upon retiring after 40 years as an educator.

Other employment ventures led him to serving as a Florida Frozen Fruits and Vegetable Inspector, World Book Encyclopaedia Sales Representative, Farm Bureau Co-Op, and an Angler Watcher with the Department of Natural Resources.

A favorite pastime of Mr. Catchings was hunting. He was regarded by many in Camilla, Mitchell County, and Southwest Georgia as the greatest hunter of quail and dove ever known. He was affectionately known by many as “The Birdman.”

Today we are here to remember a brother, a cousin, an uncle, a co-worker, a mentor, a public servant, a dear friend. We are here to celebrate Rick Jauert and how his life touched ours. We are here for our loss. And, we are here to say good-bye to a dear man who we cared for and loved.

I am here today because Rick was a special person in my life. He was a special person to each of us. Rick’s sisters and brother and other family members have known him from childhood. Some of you may have grown up with him here in Luverne or maybe worked with him on a political campaign or in a congressional office. Some of you may have stayed with Rick at his famous 146 North Colina Ave South Edgewater, Florida.

But however we got to know Rick, here we are, together in Luverne, Minnesota on a June afternoon. We are here because a kid grew up surrounded by a loving family, a uncomplicated small town life, and then one day he packed a bag on day went out to discover the world. He took with him his love for his family, the strong values this community instilled in him, and his own curiosity and sharp intellect.

Rick went to the Philippines and lived and studied there right out of high school. That took real courage and a tremendous sense of adventure. He went to college at Morris and excelled at both activism and academics. He went to our Nation’s capital and found a home for himself for more than three decades.

Rick Jauert grew up on the prairie and ended up meeting Presidents and First Ladies, working with Members of Congress and Senators, and fighting policy battles to help make Minnesota, our country and this world a better place.

Rick was dedicated. He was smart. He had a quick wit and a sharp tongue. He could be incredibly kind and humble. And which was the case anytime the words “Michele Bachmann” came out of his mouth.
He was a DFLer to the core of his being and an unapologetic liberal. If there are any Republicans here today you must have never told Rick your party affiliation or you endured a lecture from him.

Stop for a moment. Think back to the first time you met Rick.

I remember. I first met Rick thirteen years ago—or at least I thought I did—at the DFL State Convention. I was running for Congress and Rick was in Rochester wearing a seersucker suit. As many of us know, it takes a special person to make a fashion statement at a DFL State Convention and Rick stood out! At that time Rick was working for Bruce Vento. I was running at Rick’s house when Bruce was dxing. Rick was playing the role of friend, caretaker, and staff member. It was a heavy burden.

I got the feeling that Bruce had sent Rick out to keep an eye on me and to provide advice. Rick was certainly not shy about sharing his opinions about what I needed to do on my campaign. After all those years I can’t remember anything that Rick told me that day.

I just kept looking at his suit and thought to myself, ‘What happens to Minnesotans who go to work in Washington?’

Over the next six months Rick gave his heart and soul to help me win that congressional race. The last months of the campaign in the office every day doing any job that was helpful. He helped with strategy, entertained volunteers with stories, chauffeured volunteers for sport, and prepared me for my new career in Congress. He was invaluable.

But there were some hard times. Bruce’s death was next. Rick. The next year we evacuated my Washington office on September 11th. 2001 and my entire staff and I came out with Rick at his house during that day of horror and tragedy. The following week in 2002 the tragic deaths of our friends Paul and Sheila Wellstone was devastating to Rick as it was to so many of us.

I really felt these three tragedies tore into Rick’s being, into his soul. He internalized the losses, the pain, the grief and it seemed like he wouldn’t let it go.

For any of us, there is no denying our faults, failures and frailties. Rick had his and at times imposed them on those he cared for and stood for him. He had his vulnerabilities and many of us endured difficult episodes with him.

There were some dark times. But this was the very essence of Rick. He often gave of himself without holding back. He gave so much to others and to the causes and people he believed in. And, at times, he needed help desperately.

These last two years Rick needed help—especially as his physical health declined.

So many of his family and friends gave Rick whatever help he needed.

As Rick’s condition became more debilitating he put his trust in his friends and family. He never lost love for him. He never lost faith in him. He never lost hope for him. He was comforting and it allowed Rick to make the final transitions in his life that brought him back home to Minnesota. Ben VanderKoi and Cini and Denny McCarthy, along with so many others, gave so much to help guide Rick though difficult decisions and towards a peaceful conclusion to his life.

What I shall remember about Rick, what is embedded in my heart, is that Rick never stopped loving, he never stopped believing in people, he never stopped hoping for a better tomorrow—even when he felt dark inside.

On Wednesday night this week, I was in Washington and we finished voting in the Capitol. I went home to walk home and there was dark smoke in the air and a strong odor of something burning.

When I got home I looked on-line and the news said that there was a four alarm fire at Frager’s Hardware Store which is on Pennsylvania Avenue about 10 blocks from the Capitol and about the same distance from Rick’s house.

The first thing I thought about when I read the news was Rick. Rick loved Frager’s. Rick really, really loved Frager’s. It seemed like Rick would walk to Frager’s every Saturday as part of his weekend routine. He had a Frager’s tee-shirt I remember him wearing.

Frager’s was the old school hardware store where everything you could ever want is packed into tiny isles and tall shelves. There is clutter and disorder and a sense of stepping back into a grittier, more personal time.

In fact, the hardware store looked a lot like the packed shelves and poster covered walls in Rick’s house. And in both places, in spite of appearances, if you asked for a special window putty or a book about Trotsky’s travels in Mexico, the respective proprietors could locate them almost instantly.

For 90 years Frager’s was a Capitol Hill institution. And now it is gone.

Rick gave his life to public service and to the U.S. House of Representatives. He gave me my months of the last month of my life, so that I’ll be grateful forever. He gave so much to so many of us.

Let us all give thanks that our lives were touched by Rick Jauert. Let us all pray for Rick that may God bless him and keep his soul at peace. Let us all remember that for 59 years a good man walked this Earth and we had the privilege of knowing him, caring about him, and loving him.

We will miss you, Rick.

RECOGNIZING TANNER AND DALLIN REED’S COMMITMENT AND SERVICE TO THE OLYMPIC PENINSULA REGION OF WASHINGTON STATE

HON. DEREK KILMER
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Mr. KILMER. Mr. Speaker, I rise today to honor Tanner Douglas Reed and Dallin Walker Reed, who recently earned the impressive rank of Eagle Scout and have a steadfast commitment to the growth and prosperity of the Olympic Peninsula region of Washington State.

It takes great effort, service, and determination to earn the rank of Eagle Scout. It is an honor to congratulate Tanner and Dallin on their awards.

Mr. Speaker. Mr. Glover, never gave up on his mission to save the Kitsap Helpline Food Bank for their community service project. The system consists of separate lengths of cable strung between three support trellises, creating a structure that is both functional and visually appealing. In the winter, the structure is able to act as a greenhouse when plastic sheets are draped over the trellis. This will be used to support the food bank’s annual crop of tomatoes.

The Boy Scouts represent the finest qualities in America’s youth; the Reeds’ accomplishments have helped solidify a strong foundation for their future. I am hopeful that others in our community will follow the Reed’s example of leadership.

As I close, I can say with confidence that our community is a better place thanks to the ongoing, selfless commitment of people like the Reeds. Their dedicated service to our community has earned them the appreciation of peers and neighbors in the Olympic Peninsula region. I am pleased to recognize their service today in the United States House of Representatives.

HONORING DAVID GLOVER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life and career of Bay Area community leader and tireless advocate for the underserved, Mr. David Glover. I had the privilege of knowing Mr. Glover through his work in the Oakland-Bay Area region as an innovative and dedicated nonprofit leader, David Glover was also a stalwart community member. With his passing, we look to Mr. Glover’s tremendous legacy and the outstanding quality of his life’s work.

For over two decades, Mr. Glover served at the helm of The Oakland Citizens Committee for Urban Renewal (OCCUR). Under his tenure as Executive Director, OCCUR expanded its role as a key leader of efforts to serve and revitalize neighborhoods throughout Oakland and the Greater Bay Area. From the concept of asset mapping and the community-building Neighborhood Profiles project, to the launch of the Eastmont Technology Center as a source of multimedia learning and digital inclusion, OCCUR’s commitment to increasing 21st century skills in low-income communities mirrored David’s vision of advancing social equity for minority communities.

His commitment to innovation and strategic local investment also led OCCUR to initiate the Oakland Equity Policy and the program, “A Model Built on Faith.” By leading development activity among community partners along with key retail and commercial corridors, Mr. Glover helped OCCUR aggressively implement financial literacy and consumer education programs for low-income residents and families. Furthermore, OCCUR’s successful community partnerships with faith-based institutions, as well as community-based and nonprofit organizations, has resulted in a dynamic level of civic engagement and leadership development among local communities of color.

Mr. Glover never gave up on his mission to improve the lives and conditions of low-income youth, residents, and families through the delivery of balanced goods, effective public policy, and targeted community services. Likewise, our community will never forget his countless contributions and achievements.

Enjoying the recognition for his efforts, earning accolades that included Community Service awards from the Niagara Democratic Club, National Association of
Had I been present for rolloca No. 159, I would have voted “aye.”
Had I been present for rolloca No. 160, I would have voted “no.”

RECOGNIZING THE FRIENDSHIP BETWEEN THE PEOPLE OF NORTHWEST FLORIDA AND NOIRMOUTIER

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Mr. MILLER of Florida. Mr. Speaker, I rise today to commemorate the enduring spirit and gratitude of the people of the United States and France as exemplified through the mutual friendship of the sister cities of Crestview, Florida, and the French island city of Noirmoutier-en-l’Ille.

The island of Noirmoutier, located off the west coast of France near Nantes and Saint-Nazaire, maintains an inextricable link with our Nation’s military history. On July 4, 1943, while America was celebrating the date of its independence, an American B–17 crash-landed right on the beach of the small Noirmoutier village of la Guériniere. This Flying Fortress was returning to England after a bombing run on the Nazi-held airfield outside Saint-Nazaire during World War II. Though the crew survived, the Nazi occupation forces on Noirmoutier got to the Americans before the island’s underground partisans could rescue them, and the crew was imprisoned for the duration of the war.

To this day, the people of Noirmoutier refuse to clear the wreckage of the B–17. Even for the island’s youngest generation, it acts as a vivid reminder of the sacrifices made by France’s American allies toward the cause of liberating France, and Europe, from the scourge of Nazi occupation, deprivation, and brutality. On Commemoration Day, Sunday, June 30, 2013, a monument will be unveiled on Noirmoutier dedicated to the courageous crew of that fateful B–17 and to all Americans who worked so selflessly to obtain France’s liberation from the Nazis.

On behalf of the United States Congress and the citizens of Northwest Florida, I am privileged to recognize the friendship between the people of Northwest Florida and Noirmoutier and join them in honoring the service and sacrifice of all men and women who sacrifice their lives in the name of freedom.

PROPOSED CUTS TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 12, 2013

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak against the appalling proposed cuts to the Supplemental Nutrition Assistance Program, SNAP, in the 2013 Farm Bill. SNAP provides an indispensable safety net for families struggling to make ends meet.

Approximately 50.1 million Americans live in households that suffer from food insecurity. In Texas, 19 percent of people and 27 percent of children struggle against hunger. SNAP supports people when they need it most, responding to the dramatic increase in the number of unemployed Americans from 2007 to 2011 with a 70 percent increase in participation.

The Republican Farm Bill would cut $20.5 billion from SNAP, kicking 2 million Americans off the program. As a result of these cuts, 210,000 children would also lose access to free school meals. These cuts are reckless and irresponsible. As our economy continues to recover, now is not the time to slash funding for this essential safety net program that helps people out of poverty.

I urge my colleagues to oppose cuts to SNAP. We must not balance the budget on the backs of children and the most vulnerable Americans.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 13, 2013 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JUNE 14
9:30 a.m.  Committee on Armed Services
Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2014.  SR-222

JUNE 18
10 a.m.  Committee on Banking, Housing, and Urban Affairs
Subcommittee on Housing, Transportation, and Community Development
To hold hearings to examine long term sustainability for reverse mortgages, focusing on the Home Equity Conversion Mortgage’s (HECM) impact on the mutual mortgage insurance fund.  SD-538

Committee on Energy and Natural Resources
Business meeting to consider pending calendar business.  SD-366

Committee on Finance
To hold hearings to examine health care costs.  SD-366

Committee on Foreign Relations
Subcommittee on African Affairs
To hold hearings to examine prospects for democratic reform and economic recovery in Zimbabwe.  SD-419

JUNE 19
10 a.m.  Committee on Commerce, Science, and Transportation
To hold hearings to examine next steps in improving passenger and freight rail safety.  SR-253

Committee on Health, Education, Labor, and Pensions
Subcommittee on Primary Health and Aging
To hold hearings to examine reducing senior poverty and hunger, focusing on the role of the “Older Americans Act”.  SD-430

Committee on Homeland Security and Governmental Affairs
To hold hearings to examine extreme weather events, focusing on the costs of not being prepared.  SD-342

Committee on the Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation.  SD-106

2 p.m.  Committee on Foreign Relations
To hold hearings to examine the nominations of Geoffrey R. Pyatt, of California, to be Ambassador to Ukraine, and Tulinabo Salama Mushingi, of Virginia, to be Ambassador to Burkina Faso, both of the Department of State.  SD-419

Special Committee on Aging
To hold hearings to examine paperless Social Security payments, focusing on protecting seniors from fraud and confusion.  SD-366

Select Committee on Intelligence
To hold hearings to examine certain intelligence matters.  SH-219

2:30 p.m.  Committee on Commerce, Science, and Transportation
Subcommittee on Aviation Operations, Safety, and Security
To hold hearings to examine airline industry consolidation.  SR-235

Committee on the Judiciary
To hold hearings to examine the nominations of Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, Colin Stirling Bruce, to be United States District Judge for the Central District of Illinois, Sara Lee Ellis, and Andrea R. Wood, both to be a United States District Judge for the Northern District of Illinois, and Madeline Hughes Halkala, to be United States District Judge for the Northern District of Alabama.  SD-226

JUNE 20
10 a.m.  Committee on Energy and Natural Resources
To hold an oversight hearing to examine water resource issues in the Klamath River Basin.  SD-366

Committee on Small Business and Entrepreneurship
To hold hearings to examine sequestration, focusing on small business contractors.  SR-428A

2:15 p.m.  Committee on Foreign Relations
To hold hearings to examine the nominations of Daniel R. Russel, of New York, to be Assistant Secretary of State for East Asian and Pacific Affairs.  SD-419

2:30 p.m.  Committee on Homeland Security and Governmental Affairs
Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce
To hold joint hearings to examine the workforce of the United States Intelligence Community and the role of private contractors.  SD-342

Committee on Homeland Security and Governmental Affairs
Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce
To hold a joint hearing to examine the workforce of the United States Intelligence Community and the role of private contractors.  SD-342

Select Committee on Intelligence
To hold hearings to examine certain intelligence matters.  SH-219
Chamber Action
Routine Proceedings, pages S4351–S4434
Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 1142–1155, and S. Res. 168–169.

Measures Passed:
National Aphasia Awareness Month: Senate agreed to S. Res. 168, designating June 2013 as “National Aphasia Awareness Month” and supporting efforts to increase awareness of aphasia.

National Post-Traumatic Stress Disorder Awareness Month: Senate agreed to S. Res. 169, designating the month of June 2013 as “National Post-Traumatic Stress Disorder Awareness Month”.

Measures Considered:
Border Security, Economic Opportunity, and Immigration Modernization Act—Agreement: Senate continued consideration of S. 744, to provide for comprehensive immigration reform, taking action on the following amendments proposed thereto:

Pending:
Leahy/Hatch Amendment No. 1183, to encourage and facilitate international participation in the performing arts.

Grassley/Blunt Amendment No. 1195, to prohibit the granting of registered provisional immigrant status until the Secretary has maintained effective control of the borders for 6 months.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m. on Thursday, June 13, 2013.

Department of Homeland Security Appropriations Act Papers Returned—Agreement: A unanimous-consent agreement was reached providing that the Committee on Appropriations be discharged from further consideration of H.R. 2217, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014; that the papers with respect to the bill be returned to the House of Representatives, as requested by the House; that when the bill is received back in the Senate, it be referred to the Committee on Appropriations with no intervening action or debate.

Nomination Received: Senate received the following nomination:
1 Army nomination in the rank of general.

Messages from the House:

Measures Referred:

Measures Placed on the Calendar:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authorities for Committees to Meet:

Privileges of the Floor:

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:02 p.m., until 9:30 a.m. on Thursday, June 13, 2013. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4432.)

Committee Meetings
(Committees not listed did not meet)

VOLUNTARY MILITARY EDUCATION PROGRAMS

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine voluntary military education programs, after receiving testimony from Frederick Vollrath, Assistant Secretary of Defense for Readiness and Force Management; and Terry W.
Hartle, American Council on Education, Steve Gunderson, Association of Private Sector Colleges and Universities, James Selbe, University of Maryland University College, and Christopher Neiweem, all of Washington, D.C.

CYBERSECURITY
Committee on Appropriations: Committee concluded an open hearing and closed briefing on cybersecurity, focusing on preparing for and responding to the enduring threat, after receiving testimony from General Keith B. Alexander, Commander, United States Cyber Command, Director, National Security Agency, Chief, Central Security Service, Department of Defense; Rand Beers, Acting Deputy Secretary of Homeland Security; Patrick D. Gallagher, Under Secretary of Commerce for Standards and Technology; and Richard A. McFeely, Executive Assistant Director, Criminal, Cyber, Response, and Services Branch, Federal Bureau of Investigation, Department of Justice.

AUTHORIZATION: DEFENSE
Committee on Armed Services: Subcommittee on SeaPower met in closed session and approved for full committee consideration those provisions which fall under the subcommittee’s jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.

BUSINESS MEETING
Committee on Armed Services: Committee began consideration of the proposed National Defense Authorization Act for fiscal year 2014, but did not complete action thereon, and will meet again on Thursday, June 13, 2013.

DEPARTMENT OF DEFENSE BUDGET
Committee on the Budget: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2014 for the Department of Defense, after receiving testimony from Chuck Hagel, Secretary, General Martin E. Dempsey, USA, Chairman, Joint Chiefs of Staff, and Robert F. Hale, Under Secretary (Comptroller), all of the Department of Defense.

NOMINATION
Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Howard A. Shelanski, of Pennsylvania, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING
Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported S. 1094, to amend the Elementary and Secondary Education Act of 1965, with amendments.

Committee on Indian Affairs: Committee concluded a hearing to examine the nomination of Yvette Roubideaux, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, after the nominee testified and answered questions in her own behalf.

NOMINATION
Committee on Rules and Administration: Committee concluded a hearing to examine the nomination of Davita Vance-Cooks, of Virginia, to be Public Printer, Government Printing Office, after the nominee, who was introduced by Senators Warner and King, testified and answered questions in her own behalf.

PENDING BENEFITS LEGISLATION
Committee on Veterans’ Affairs: Committee concluded a hearing to examine S. 6, to reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, S. 200, to amend title 38, United States Code, to authorize the interment in national cemeteries under the control of the National Cemetery Administration of individuals who served in combat support of the Armed Forces in the Kingdom of Laos between February 28, 1961, and May 15, 1975, S. 257, to amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate, S. 262, to amend title 38, United States Code, to provide equity for tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs who are pursuing programs of education at institutions of higher learning, S. 294, to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, S. 373, to amend titles 10, 32, 37, and 38 of the United States Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse, S. 430, to amend title 38, United States Code, to enhance treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences, S. 492, to amend title 38, United States Code, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, S. 495, to amend
title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, S. 514, to amend title 38, United States Code, to provide additional educational assistance under Post-9/11 Educational Assistance to veterans pursuing a degree in science, technology, engineering, math, or an area that leads to employment in a high-demand occupation, S. 515, to amend title 38, United States Code, to extend the Yellow Ribbon G.I. Education Enhancement Program to cover recipients of Marine Gunnery Sergeant John David Fry scholarship, S. 572, to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes, S. 629, to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, S. 674, to require prompt responses from the heads of covered Federal agencies when the Secretary of Veterans Affairs requests information necessary to adjudicate claims for benefits under laws administered by the Secretary, S. 690, to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs, S. 695, to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., S. 705, to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, S. 735, to amend title 38, United States Code, to improve benefits and assistance provided to surviving spouses of veterans under laws administered by the Secretary of Veterans Affairs, S. 748, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to consider the resources of individuals applying for pension that were recently disposed of by the individuals for less than fair market value when determining the eligibility of such individuals for such pension, S. 778, to authorize the Secretary of Veterans Affairs to issue cards to veterans that identify them as veterans, S. 819, to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, S. 863, to amend title 38, United States Code, to repeal time limitations on the eligibility for use of educational assistance under All-Volunteer Force Educational Assistance Program, to improve veterans education outreach, S. 868, to require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, S. 889, to amend title 10, United States Code, to improve the Transition Assistance Program of the Department of Defense, S. 893, to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 894, to amend title 38, United States Code, to extend expiring authority for work-study allowances for individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs, to expand such authority to certain outreach services provided through congressional offices, S. 922, to require the Secretary of Labor to carry out a pilot program on providing wage subsidies to employers who employ certain veterans and members of the Armed Forces and require the Secretary of Veterans Affairs to carry out a pilot program on providing career transition services to young veterans, S. 927, to require the Secretary of Veterans Affairs to carry out a demonstration project to assess the feasibility and advisability of using State and local government agencies and nonprofit organizations to increase awareness of benefits and services for veterans and to improve coordination of outreach activities relating to such benefits and services, S. 928, to amend title 38, United States Code, to improve the processing of claims for compensation under laws administered by the Secretary of Veterans Affairs, S. 930, to amend title 38, United States Code, to require the Secretary of Veterans Affairs, in cases of overpayments of educational assistance under Post-9/11 Educational Assistance, to deduct amounts for repayment from the last months of educational assistance entitlement, S. 932, to amend title 38, United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs S. 935, to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requesting additional medical examinations of veterans who have submitted sufficient medical evidence provided by non-Department medical professionals and to improve the efficiency of processing certain claims for disability compensation by veterans, S. 938, to amend title 38, United States
Code, to allow certain veterans to use educational assistance provided by the Department of Veterans Affairs for franchise training, S. 939, to amend title 38, United States Code, to treat certain misfiled documents as motions for reconsideration of decisions by the Board of Veterans' Appeals, S. 944, to amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance to charge veterans tuition and fees at the in-State tuition rate, S. 1039, to amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, S. 1042, to authorize the Secretary of Veterans Affairs to provide support to university law school programs that are designed to provide legal assistance to veterans, and S. 1058, to amend title 38, United States Code, to authorize per diem payments under comprehensive service programs for homeless veterans to furnish care to dependents of homeless veterans, after receiving testimony from Senators Schatz, Murkowski, Franken, Wyden, Merkley, and Shaheen; Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Thomas Murphy, Director, Compensation Service, Richard Hipolit, Assistant General Counsel, and John Brizzi, Deputy Assistant General Counsel, all of the Veterans Benefits Administration, Department of Veterans Affairs; Jeffrey C. Hall, Disabled American Veterans, Ian de Planque, The American Legion, and Ryan M. Gallucci, Veterans of Foreign Wars of the United States, all of Washington, D.C.; and Colonel Robert F. Norton, USA (Ret.), Military Officers Association of America, Alexandria, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 2327–2345; and 3 resolutions, H. Res. 257–259 were introduced. Pages H3355–56

Additional Cosponsors: Pages H3357–58

Reports Filed: Reports were filed today as follows:

H. R. 634, to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes (H. Rept. 113–105, Pt. 1);

H. R. 634, to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes (H. Rept. 113–105, Pt. 2);

H. R. 742, to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities under such Acts (H. Rept. 113–106, Pt. 1);

H. R. 742, to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to repeal the indemnification requirements for regulatory authorities to obtain access to swap data required to be provided by swaps entities under such Acts (H. Rept. 113–106, Pt. 2);

H. R. 1038, to provide equal treatment for utility special entities using utility operations-related swaps, and for other purposes (H. Rept. 113–107);

Supplemental report on H.R. 1947, to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes (Rept. 113–92, Pt. 3) and H. Res. 260, providing for further consideration of the bill (H. R. 1960) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes (H. Rept. 113–108) Page H3355

Speaker: Read a letter from the Speaker wherein he appointed Representative Massie to act as Speaker pro tempore for today. Page H3291

Recess: The House recessed at 10:44 a.m. and reconvened at 12 noon. Page H3296

Chaplain: The prayer was offered by the guest chaplain, Colonel Andrew Gibson, Maine Army National Guard, Augusta, Maine. Page H3296

Committee Elections: The House agreed to H. Res. 257, electing certain Members to certain standing committees of the House of Representatives. Page H3299

Suspensions: The House agreed to suspend the rules and pass the following measures:

Reverse Mortgage Stabilization Act of 2013: H.R. 2167, to authorize the Secretary of Housing
and for military construction and to prescribe military personnel strengths for such fiscal year. Consideration is expected to resume tomorrow, June 13th.

H. Res. 256, the rule providing for consideration of the bills (H.R. 690) and (H.R. 1256), was agreed to by a yea-and-nay vote of 239 yeas to 184 nays, Roll No. 214, after the previous question was ordered without objection.

Recess: The House recessed at 8:50 p.m. and reconvened at 3 a.m.

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H3315–16, H3316–17, H3317, H3331–32, H3332, and H3333. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:01 a.m. Thursday, June 13, 2013.

### Committee Meetings

**MISCELLANEOUS MEASURE**

**Committee on Appropriations:** Full Committee held a markup on Defense Appropriations Bill, Fiscal Year 2104. The bill was ordered reported, without amendment.

**DEPARTMENT OF DEFENSE AND THE FISCAL YEAR 2014 BUDGET REQUEST**

**Committee on the Budget:** Full Committee held a hearing on the Department of Defense and the Fiscal Year 2014 Budget Request. Testimony was heard from Charles T. Hagel, Secretary, Department of Defense.

**STRENGTHENING THE MULTIEmployer PENSION SYSTEM**

**Committee on Education and the Workforce:** Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled “Strengthening the Multiemployer Pension System: What Reforms Should Policymakers Consider?”. Testimony was heard from public witnesses.

**NEED FOR MEDICAid REFORM: A STATE PERSPECTIVE**

**Committee on Energy and Commerce:** Subcommittee on Health held a hearing entitled “The Need for Medicaid Reform: A State Perspective”. Testimony was heard from Tony Keck, Director, Department of Health and Human Services, State of South Carolina; and public witnesses.
SATELLITE TELEVISION LAW
Committee on Energy and Commerce: Subcommittee on Communications and Technology held a hearing entitled “The Satellite Television Law: Repeal, Reauthorize, or Revise?”. Testimony was heard from public witnesses.

HOUSING FINANCE MODELS
Committee on Financial Services: Full Committee held a hearing entitled “Beyond GSEs” Examples of Successful Housing Finance Models without Explicit Government Guarantees”. Testimony was heard from public witnesses.

REDUCING BARRIERS TO CAPITAL FORMATION
Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled “Reducing Barriers to Capital Formation”. Testimony was heard from public witnesses.

MODERNIZING U.S. INTERNATIONAL FOOD AID
Committee on Foreign Affairs: Full Committee held a hearing entitled “Modernizing U.S. International Food Aid: Reaching More for Less”. Testimony was heard from public witnesses.

NON-GOVERNMENTAL ORGANIZATIONS IN EGYPT
Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa, hearing entitled “American NGOs Under Attack in Morsi’s Egypt”. Testimony was heard from public witnesses.

MUMBAI-STYLE ATTACKS AND THE THREAT FROM LASHKAR-E-TAIBA
Committee on Homeland Security: Subcommittee on Counterterrorism held a hearing entitled “Protecting the Homeland Against Mumbai-Style Attacks and the Threat from Lashkar-e-Taiba”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Full Committee held a markup on a number of measures: H.R. 412, the “Nashua River Wild and Scenic River Study Act”; H.R. 657, the “Grazing Improvement Act”; H.R. 697, the “Three Kids Mine Remediation and Reclamation Act”; H.R. 740, the “Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act”; H.R. 841, to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; H.R. 931, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; H.R. 1126, the “Dwight D. Eisenhower Memorial Completion Act”; H.R. 1411, the “California Coastal National Monument Expansion Act of 2013”; H.R. 1497, the “War Memorial Protection Act”; H.R. 1548, the “Native American Energy Act”; H.R. 1825, the “Recreational Fishing and Hunting Heritage and Opportunities Act”; H.R. 1964, the “National Petroleum Reserve Alaska Access Act”; H.R. 2166, the “Good Samaritan Search and Recovery Act of 2013”; and H.R. 2231, the “Offshore Energy and Jobs Act”. The following bills were ordered reported, as amended: H.R. 412; H.R. 657; H.R. 697; H.R. 740; H.R. 931; H.R. 1126; H.R. 1411; H.R. 1497; H.R. 1548; and H.R. 2231. The following bills were ordered reported, without amendment: H.R. 841; H.R. 1825; H.R. 1964; and H.R. 2166.

GOVERNMENT SUSPENSION AND DEBARMENT POLICY
Committee on Oversight and Government Reform: Full Committee held a hearing entitled “Protecting Taxpayer Dollars: Is the Government Using Suspension and Debarment Effectively?”. Testimony was heard from John Neumann, Acting Director, Acquisition and Sourcing Management, Government Accountability Office; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014
Committee on Rules: Full Committee held a hearing on H.R. 1960, the “National Defense Authorization Act for Fiscal Year 2014” (amendment consideration). The Committee granted, by voice vote, a rule providing for further consideration under a structured rule for H.R. 1960. The rule provides no additional general debate. The rule makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–13, modified by the amendment printed in part A of the Rules Committee report. That amendment in the nature of a substitute shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute. The rule makes in order only those further amendments printed in part B of the report and amendments en bloc described in Section 3 of the resolution. The rule provides that the amendments printed in part B of the report may be...
offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in part B of the report or against amendments en bloc as described in Section 3 of the resolution. In Section 3, the rule provides that it shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services of their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Coffman, Smith (WA), Gibson, Cooper, Bridenstine, Tsongas, Speier, Garamendi, McGovern, Rohrabacher, DeLauro, Issa, Lynch, Jackson Lee, Cummings, Lee (CA), Roe (TN), Lummis, Schiff, Denham, Van Hollen, Gosar, Butterfield, Al Green (TX), Walz, Benishek, Nolan, Huelskamp, O’Rourke, Barr, Tonko, Collins (NY), Grayson, Bustos, Thompson (PA), Cardenas, Gabbard, Kildee, and Lujan Grisham.

NEW OZONE STANDARDS ACHIEVABILITY
Committee on Science, Space, and Technology: Subcommittee on Environment held a hearing entitled “Background Check: Achievability of New Ozone Standards”. Testimony was heard from John Vandenberg, Director, Research Triangle Park, North Carolina Division, National Center for Environmental Assessment, Environmental Protection Agency; and public witnesses.

H-2B VISA POLICY AND SMALL TOURISM BUSINESS

BOEING 787 INCIDENTS AND LESSONS LEARNED
Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing entitled “Lessons Learned from the Boeing 787 Incidents”. Testimony was heard from Peggy Gilligan, Associate Administrator, Aviation Security, Federal Aviation Administration; and a public witness.

U.S.-BRAZIL TRADE AND INVESTMENT RELATIONSHIP
Committee on Ways and Means: Subcommittee on Trade held a hearing entitled “U.S.-Brazil Trade and Investment Relationship: Opportunities and Challenges.” Testimony was heard from public witnesses.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 13, 2013
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine crumbling infrastructure, focusing on outdated and overburdened highways and bridges, 10 a.m., SD–124.
Committee on Armed Services: closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2014, 9:30 a.m., SR–222.
Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine lessons learned from the financial crisis regarding community banks, 10 a.m., SD–538.
Committee on Foreign Relations: Subcommittee on European Affairs, with the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women’s Issues, to hold a joint hearing to examine Russia’s human rights situation, 10 a.m., SD–419.
Committee on the Judiciary: business meeting to consider S. 394, to prohibit and deter the theft of metal, S. 162, to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004, and the nominations of Derek Anthony West, of California, to be Associate Attorney General, Department of Justice, and Valerie E. Caproni, of the District of Columbia, and Vernon S. Broderick, of New York, both to be a United States District Judge for the Southern District of New York, 10 a.m., SD–226.
Committee on Small Business and Entrepreneurship: business meeting to consider S. 511, to amend the Small Business Investment Act of 1958 to enhance the Small Business Administration; and Public Witness.
low-interest refinancing provisions under the Local Development Business Loan Program of the Small Business Administration, S. 537, to require the Small Business Administration to make information relating to lenders making covered loans publicly available, and S. 415, to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, 10 a.m., SR–428A.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SVC–217.

House

Committee on Appropriations, Full Committee, markup on Agriculture, Rural Development FDA, and Related Agencies Appropriations Bill, Fiscal Year 2014, 10 a.m., 2359 Rayburn.

Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, hearing entitled “Keeping College Within Reach: Discussing Program Quality through Accreditation”, 10 a.m., 2175 Rayburn.


Committee on Financial Services, Subcommittee on Monetary Policy and Trade, hearing entitled “Assessing Reform at the Export-Import Bank”, 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Insurance, hearing entitled “The Impact of International Regulatory Standards on the Competitiveness of U.S. Insurers”, 1 p.m., 2128 Rayburn.

Committee on the Judiciary, Full Committee, hearing on Federal Bureau of Investigation, 10 a.m., 2141 Rayburn.

Full Committee, hearing on H.R. 2278, the “Strengthen and Fortify Enforcement Act”, 2 p.m., 2141 Rayburn.


Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing on H.R. 553, to designate the exclusive economic zone of the United States as the “Ronald Wilson Reagan Exclusive Economic Zone of the United States”; H.R. 1308, the “Endangered Salmon and Fisheries Predation Prevention Act”; H.R. 1399, the “Hydrographic Services Improvement Amendments Act of 2013”; H.R. 1425, the “Marine Debris Emergency Act of 2013”; H.R. 1491, to authorize the Administrator of the National Oceanic and Atmospheric Administration to provide certain funds to eligible entities for activities undertaken to address the marine debris impacts of the March 2011 Tohoku earthquake and subsequent tsunami, and for other purposes; and H.R. 2219, to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security, hearing entitled “Examining the Government’s Record on Implementing the International Religious Freedom Act”, 10 a.m., 2154 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Workforce, hearing entitled “Putting the Strategy in sourcing: Challenges and Opportunities for Small Business Contractors”, 10 a.m., 2360 Rayburn.

Committee on Ways and Means, Full Committee, hearing entitled “Tax Reform: Haven, Base Erosion and Profit Shifting”, 10 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing entitled “Ongoing Intelligence Activities”, 10 a.m., HVC–304. This is a closed hearing.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Syrian refugees in the Organization for Security and Cooperation in Europe (OSCE) region, focusing on the United States and international response to the humanitarian crisis that threatens to destabilize the entire region, 2 p.m., SD–562.
Next Meeting of the SENATE
9:30 a.m., Thursday, June 13

House Chamber


Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, June 13

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSE
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Bachus, Spencer, Ala., E849
Bishop, Sanford D., Jr., Ga., E848, E851
Boustany, Charles W., Jr., La., E846
Brooks, Susan W., Ind., E847
Bustos, Cheri, Ill., E845
Capito, Shelley Moore, W.Va., E845
Coffman, Mike, Colo., E850
Eshoo, Anna G., Calif., E845
Frelinghuysen, Rodney P., N.J., E847
Hastings, Alcee L., Fla., E851
Holt, Rush, N.J., E846
Hoskins, Eddie Bernice, Tex., E853
Jones, Walter B., N.C., E847
Kilmer, Derek, Wash., E852
Lee, Barbara, Calif., E849, E852
Levin, Sander M., Mich., E850
McCollum, Betty, Minn., E861
McKernan, Jim, Wash., E859
McKeeley, David B., W.Va., E847
Matsui, Doris O., Calif., E849
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